

LEGISLATIVE ASSEMBLY OF THE
NORTHWEST TERRITORIES
5TH COUNCIL, 33RD SESSION

TABLED DOCUMENT NO. 2-33

SUMMARY

REPORT OF THE ADVISORY COMMISSION

ON THE

DEVELOPMENT OF GOVERNMENT

IN THE

NORTHWEST TERRITORIES

1966 OTTAWA, CANADA.

SUMMARY OF
REPORT OF THE
ADVISORY COMMISSION
ON THE
DEVELOPMENT OF GOVERNMENT
IN THE
NORTHWEST TERRITORIES

1966

OTTAWA, CANADA

A. INTRODUCTION

The original report is divided into seven parts. The first six parts contain background material to the seventh, which contains the recommendations. This summary reproduces the recommendations and the postulates on which the recommendations are based, together with a minimum of explanatory text. This document has been prepared for the convenience of reference only. In considering or assessing the recommendations and the postulates on which they are based the reader should refer to the original report, including the background material and explanatory text therein.

Part A of the original report contains introductory material: the terms of reference and the interpretation which the commission gave to them; an outline of the procedures which the commission followed in carrying out its assignment, including a description of the public hearings held in the Territories and in Ottawa and the special studies that were commissioned to assist in the undertaking; and a description of the contents of the original report.

Part B is a brief description of the evolution of the present form of government in the Northwest Territories, written with a view to putting today's problems in their historical perspective.

Part C is a functional review of government in the Northwest Territories today. It gives a condensed description of activities of federal government departments operating in the Territories, an outline of the function of the territorial government, a description of settlement types in the Territories and the forms of local government for which the present law makes provision, and a sketch of non-governmental institutions that relate to the operation of government - missions, cooperatives, and commercial and labour organizations.

Part D essays to describe certain non-governmental problems of the north that relate to government: the social and economic state of the northern peoples and the impact of physical characteristics on matters relating to government.

Part E sets forward the alternative programs for political development which the commission considered in arriving at its recommendations.

The first group of choices relate to alternative constitutional forms: those that adhere to the federal principle and one that does not. Consideration is given here to certain constitutional peculiarities which pervade the problem of choice, whether it be federal or non-federal, and to certain specific issues of forms of government. This section is followed by a consideration of alternative geographic areas of government for the Northwest Territories.

Part F sets down, in the form of logical premises, certain principles, or postulates, on which the recommendations are based; Part G records the recommendations themselves. This summary extracts the postulates and the recommendations, together with a minimum of text. For convenience of reference the same chapter headings are used in the rest of this summary as appear in the original report for these parts.

The appendices to the original report bear the following titles:

Appendix A	Travel-Hearings
Appendix B	Table and Indexes of Briefs
Appendix C	Table and Indexes of Submissions
Appendix D	Subject Indexes to Abstracts of Verbatim Report and Speakers' Index to Verbatim Report
Appendix E	Introductory Remarks and Questions
Appendix F	List of Persons who Appeared at Ottawa Hearings
Appendix G	Map Showing Travel of Advisory Commission
Appendix H	Acknowledgments

The special studies which were commissioned in the execution of the terms of reference include "Economic and Social Development in the Northwest Territories" by Hedlin, Menzies & Associates Limited, Winnipeg, Manitoba; a comparative study relating to the indigenous peoples of Australia, New Zealand and North America, under the direction of J. Jameson Bond, University of Windsor; "A Plan for Human Resource Development Within the Northwest Territories" by Professor Bond; an atlas of the Northwest Territories and a description of settlements visited by the commission, by Dr. W.O. Kupsch, executive director of the commission; and a summary of published research on socio-economic and political development in the Northwest Territories by J.R. Lotz and G.F. Parsons.

F. POSTULATES

The north is full of dilemmas unresolvable without the guidance of value judgments, and not easily resolvable - some perhaps not at all resolvable - even then. The postulates are value judgments that were devised in order to give direction to our studies and to break into manageable dimensions the attack on the vast problems of the north. They form the foundations of our recommendations.

1. Every citizen of Canada has a claim to participate in the institutions of responsible government under the Canadian constitution; it is a goal of political development of the Northwest Territories that the optimum number of Canadian citizens resident in the Territories should, at an optimum speed, participate in government as fully as Canadian citizens resident in the provinces.
2. The competence of political institutions should be commensurate with the dimensions of the social and economic problems in the political unit.
3. The structure and technique of government should not be foreign to the Canadian political tradition.
4. Every resident of the Northwest Territories for whom freedom of movement within and without the Territories is not a realistic fact has a claim to economic opportunity that will provide a standard of living that does not deviate substantially from the Canadian norm.
5. So long as the Northwest Territories remains a political unit or units separate from the provinces, the federal government has a major, although not necessarily an exclusive, responsibility for its economic development.
6. The Eskimos and Indians, as indigenous minorities, should be free to maintain their cultural and ethnic identities, subject to fundamental human rights as recognized by the Canadian constitution.

We have sought to state this premise in the form of choice, in the form of freedom to choose, recognizing that the desire to take advantage of economic opportunity may involve the individual in paying the price of giving up an appreciable measure of his cultural and ethnic identity, and recognizing also that there may be within those identities ingredients which are not consistent with fundamental human rights as recognized by the Canadian constitution.

C. RECOMMENDATIONS

1. GENERAL OBSERVATIONS

Qualities of uniqueness and unpredictability affect both our recommendations and the time span for which we foresee the recommendations would be operative. In terms of time span, we recommend that the question of the government of the Northwest Territories be reviewed again in ten years' time; we have sought to make our recommendations appropriate for a decade.

2. THE ISSUE OF DIVISION

We recommend against division of the Northwest Territories into two or more political units at this time.

The claim of the white population to greater self-government, and, indeed, to patriation of their government, is one of great weight. The question is whether division is a necessary or desirable move in the direction of meeting these political ambitions. We have come ultimately to the conclusion that the claim can be satisfied almost as fully at the present time without division as with it; there will be a certain political price, not so much in the form of government as in its operation and administration. We have also come to the conclusion that division would likely bear consequences prejudicial to the political interests of the Eskimos in the residual area east and north of the Mackenzie and the Indians in the west which should and can be avoided at this time. With division there would be a very great risk that the eastern Arctic would become sealed off, would remain dominated by the central government, and might never acquire anything more than a nominal form of self-government. Division would create a white majority in the Mackenzie, with the very great likelihood of a white government. Division could have the accidental and unintended effect of gerrymandering the indigenous peoples of the north out of effective participation in territorial self-government.

Another argument against division is that a dividing line once drawn is not easily changed; in fact it would in all probability be permanent. Yet not enough is known about the country to determine with informed confidence where the line should run: such a decision can be arrived at only after an economic study in depth has been made.

A further argument against division is that two attenuated governments are less likely to attain their claims against the central government than is one consolidated government. And apprehension is expressed that given the likelihood that the governments would enact divergent laws respecting such matters as game control, a line which must inevitably run through land inhabited by an indigenous race would oblige such peoples, as they move in the normal process of hunting, trapping or fishing, to cope with two sets of laws and regulations.

We believe that division in some form and at some stage is probably inevitable, for the greatest and immutable factor militating toward division is sheer size; but we believe that the passage of a decade will make a tremendous difference to the political competence of the indigenous peoples and will likely see quite rapid development in the most viable area of the north, the southern part of the Mackenzie.

We conclude that what is required now is not provincehood but the means of growth to provincehood; that the best move for the peoples of the Northwest Territories at the present time is to retain the Territories as a political unit, to locate the government of the Territories within the Territories, to decentralize its operations as far as practicable, to transfer administrative functions from the central to the territorial government in order that the latter may be accountable on site for the administration of the public business, and to concentrate on economic development and opportunity for the residents of the north.

3. THE SEAT OF GOVERNMENT

The opinion most commonly and uniformly expressed in our public hearings was that the capital of the Northwest Territories should be located within the Territories. We believe this to be right in principle, and so recommend.

A far more controversial issue is the choice of a capital site. We understand that the Minister and members of the Northwest Territories council looks to this commission for a specific recommendation. There is no advantage in creating a new town. We recommend that the capital be located at Yellowknife.

Our reasons for favouring Yellowknife are as follows:

- (a) of the major contenders for the capital, Yellowknife is closest to the demographic centre of the Northwest Territories and is most accessible to the most number of residents of the Territories;
- (b) it would be an appropriate location for the present political unit of the Northwest Territories or for the western part of a divided territory;
- (c) it is close to the mean territorial climate and average living conditions;
- (d) it has first class telephone, telegraph and radio facilities;
- (e) it has access by road and water;
- (f) it has good airport facilities and is the major centre of air charter services in the Territories;
- (g) it is on a travelled route;
- (h) it has a non-government economic base;
- (i) it has satisfactory building conditions and sufficient available land, and is physically ready to provide a capital site and to accommodate an expanding population;
- (j) it has an established municipal government, an operative town plan, and good public utilities and services;
- (k) it is the judicial centre of the Territories, and offers a wide range of professional and commercial services;
- (l) it offers primary, secondary and vocational education and has established school districts;

- (m) it offers a diversity of interests and assets for new residents who will be drawn to the capital;
- (n) of the major contenders for the capital, its physical characteristics are the most conducive to an identification by all residents of the north with the location as their capital.

In making our recommendation respecting the selection of a capital site we have been concerned over the legitimate expectations - the "reliance interest" - of Fort Smith. We recommend that examination be given to the question whether any person who can show satisfactorily that he established himself or expanded his establishment in Fort Smith after 1962 in reliance on the expectation that it would become the capital and has been prejudiced thereby, should be moved at public expense to Yellowknife if he so wishes, or be compensated accordingly.

4. THE STRUCTURE OF THE TERRITORIAL GOVERNMENT

We recommend that there be

- (a) a commissioner
- (b) a deputy commissioner
- (c) an executive council
- (d) a legislative assembly
- (e) the following major departments:
 - (i) economic development and finance
 - (ii) local government
 - (iii) education
 - (iv) welfare and social services
 - (v) public works
 - (vi) justice
 - (vii) lands and resources
- (f) a Northwest Territories Development Board
- (g) a Northwest Territories Development Corporation

(a) The Commissioner

We recommend that

- (i) the office of commissioner of the Northwest Territories be continued;
- (ii) the commissioner be appointed during pleasure by the governor general in council on the recommendation of the minister of Northern Affairs;
- (iii) the commissioner hold the rank of federal deputy minister and that he be responsible directly to the minister of Northern Affairs;
- (iv) the commissioner be chairman of the legislative assembly and preside over the legislative assembly;
- (v) the commissioner preside over the executive council;
- (vi) the commissioner be paid a stipend by authority of a federal statute as a first charge on the Northwest Territories consolidated revenue fund;
- (vii) in addition to the powers which the commissioner now holds, and subject to instructions from the minister, the commissioner have the power to dissolve the legislative assembly, and to reserve a bill of the legislature for the pleasure of the governor in council;
- (viii) the commissioner have the right to vote in the legislative assembly in the event of a tie vote of the members;
- (ix) the commissioner reside in the Northwest Territories at the capital of the Northwest Territories.

We do not recommend the status of provincehood for the Northwest Territories at this time. Accordingly we have sought to use titles for offices and institutions of government that will not convey the impression that the office or the institution is part of the machinery of fully responsible government.

(b) The Deputy Commissioner

We recommend that

- (i) the office of deputy commissioner of the Northwest Territories be continued;
- (ii) the deputy commissioner be resident in the Northwest Territories;
- (iii) the deputy commissioner be appointed by the commissioner with the consent of the minister;
- (iv) at an appropriate time the deputy commissioner be chosen from among the elected members of the legislature;
- (v) the deputy commissioner be capable of receiving power delegated by the commissioner.

(c) The Executive Council

We recommend that

- (i) there be an executive council;
- (ii) the executive council be composed of such persons as are appointed during the pleasure of the commissioner;
- (iii) a member of the executive council not be required to be an elected member of the legislative assembly in order to qualify for appointment;
- (iv) the executive council be presided over by the commissioner;
- (v) each member normally be charged with the administration of one or more departments in the territorial government;
- (vi) the executive council coordinate finance, prepare the budget, prepare legislation in principle, and generally tender advice on any territorial matter on which the commissioner should seek advice.

(vii) the salary of members of the executive council be determined by territorial legislation.

(d) The Legislative Assembly

We recommend that

- (i) the name of the council of the Northwest Territories be changed to the legislative assembly of the Northwest Territories;
- (ii) the ordinances of the legislative assembly be designated statutes;
- (iii) the legislative assembly be composed of 18 persons, 14 elected and four appointed by the commissioner during his pleasure, all members to have the power to vote;
- (iv) the territorial franchise be extended to all qualified citizens over the age of 19;
- (v) the legislative assembly sit in the capital;
- (vi) the legislative assembly be subject to a statutory provision that there be an election at least every five years, and that normally the legislative assembly be dissolved after four years;
- (vii) in addition to the powers that it has at present, the legislative assembly have all the powers of a provincial legislature, subject to the following exceptions and qualifications:
 - (A) that it not be given in general terms power to amend the constitution of the Northwest Territories, but that it retain such parts of this power as it already has, and that, in addition, it be given the power to set the indemnity of its members upon the recommendation of the commissioner;

- (B) that its powers in relation to financial matters (borrowing of money, consolidated fund, auditing of accounts and ancillary subjects) remain as they are after the 1966 amendments to the Northwest Territories Act;
- (C) that its power over the management and sale of public lands affect only surface rights, the appropriation of certain of which is recommended elsewhere in this report;
- (D) that its power over the administration of justice be qualified by a provision in the Northwest Territories Act that takes into account the continuing jurisdiction of the federal parliament over the administration of justice for the Territories as it may function outside the geographic limits of the Territories (for instance, the vesting of appellate jurisdiction in judges of other provinces or of the Yukon).

We recommend that appointed members be retained in the legislature and that the question be reconsidered by the minister in five years.

(e) Administration; the Civil Service

We recommend that administrative functions be transferred to the territorial civil service on a specified schedule as soon as practicable.

We would not consider it unreasonable that the major transfer be completed within two years.

It is essential to the scheme of responsible government contemplated in this report that administration be transferred from the central to the territorial government.

(f) **Economic Development**

The characteristic of the Northwest Territories which has concerned your commissioners at least as much as the form of government is the state of economic development for residents of the north.

We recommend that

- (1) there be a department of economic development and finance within the territorial government;
- (2) initially the secretary of economic development and finance be the commissioner of the Northwest Territories;
- (3) there be created a Northwest Territories Development Board composed of representatives of federal and territorial government administrations and the Economic Council of Canada;
- (4) there be established a Northwest Territories Development Corporation; and
- (5) there be regional economic planning, and a close coordination of federal and territorial governmental economic activities in the Northwest Territories.

We recommend the adoption of the policy of regional development in the Northwest Territories and coordination of the activities of economic import of federal and territorial governments to maximize the economic advantages that may be derived from expenditures from the public purse.

To this end we recommend the creation of a Northwest Territories Development Board. We envisage the activities of this Board to be the key to northern economic development, with an important assist to the private sector from the Northwest Territories Development Corporation.

The two principal groups who should be represented on the Development Board are the senior civil servants (assistant

deputy ministers and division chiefs) of the federal government departments which are responsible for making plans and spending money in the north, and their counterparts in the territorial government. We recommend also that there be represented on the Board the Economic Council of Canada and the Advisory Committee on Northern Development. We recommend further that the Board be chaired by the secretary of economic development in the Northwest Territories government. We recommend further that the Board have a permanent secretariat in the Territories which would constitute all or part of the staff of the department of economic development in the Northwest Territories government.

The Board would be responsible for preparing plans for economic development in the Northwest Territories on a regional and territorial basis. To this end the Territories must be divided into regions. We recommend that the boundaries of these regions be determined on the recommendation of the Development Board after study.

Within the regions there must be machinery for making an economic assessment at the grass roots level, or what one of our advisers called the lichen level. We envisage that this regional assessment should be made in the first instance by a regional organization, which may be called a regional council, composed of federal and territorial field representatives and regional citizens' groups, with specialist assistance.

One of the important ingredients in the program for regional assessment is the regional citizens' group. We recommend that the citizens' groups within a region be composed of nominees of local councils and town and village councils within the region.

We recommend the creation of a Northwest Territories Development Corporation as a territorial corporation with

an initial fund of \$10,000,000. We envisage that the Development Board would operate in the public sector of the economy. Obversely, we envisage the Department Corporation acting in the private sector. Its role would be to give management assistance and advice, make feasibility studies to attract new industry, provide physical and service facilities, both commercial and domestic and quite possibly of a tertiary industrial nature, and to make loans and guarantees.

(g) Department of Local Government

We recommend that

- (1) there be a department of local government;
- (2) there be a simple procedure for incorporation of communities and the creation of local community councils;
- (3) there be established a cadre of local government advisers;
- (4) there be established an institute of public affairs.

We consider that a continuing and intensified program for the development of local government, in which all residents can be offered the opportunity of a meaningful role which they can understand, is crucial to the economic, social and political development of the north.

In our view there should be a simple procedure, to be administered by the department of local government, for the formalization, at the settlement level other than the town or village, of local government, advisory councils and community councils. The council could have both a decision making and an advisory function; and the scope of its jurisdiction could be subject to extension by administrative act within the department of local government in cooperation with other departments having responsibility in the community.

We envisage that one of the first functions of the local council would be to assist in the work of the regional council by appointing a

nominee to the citizens' group of the regional council and by such other manner as the regional council may find useful. After the completion of the work of the regional council, there would be a continuing role for the local council to play in local affairs generally.

We envisage that the chairman of the local council will be required to give considerable time to the affairs of the community particularly if the council should nominate him to the citizens' group of the regional council. We therefore recommend that the office of chairman of the local council carry a commensurate honorarium.

As a means to preserving the program for local government, we recommend the establishment of a small cadre of highly-trained itinerant local government advisers to work with the residents in the settlements, and in due time with local councils, within regions designated for the purpose.

We have elsewhere recommended the establishment of a Northwest Territories Development Board on a permanent basis for the continuing economic development of the Northwest Territories. We believe that political development requires the same continuing attention on a comparable basis appropriate to the political interest. To this end we recommend the establishment within the department of local government of an institute of public affairs. We perceive the function of the institute of public affairs to be educational. With a small staff with backgrounds in political science and anthropology, and if possible with an intimate knowledge of the north, it would offer a flexible program, oriented to the north, in public affairs and allied fields, to civil servants, persons elected to public office, indigenous leaders, and young persons of promise. Attendance would be voluntary, and qualifications would be minimal. We recommend that those who take advantage of the program be paid an amount calculated to compensate for economic loss which attendance might involve. We envisage that the program would be residential and located in the capital, although it might well be itinerant to a degree. We envisage also that participation in its program would be encouraged by local government advisers in their capacity as field staff of the institute.

(h) Department of Education

We recommend that there be a department of education.

Education is, in effect, the touchstone to the future, not only for the young who fall within the normal school age bracket, but for their elders, who should have available to them a program of adult education, of which community development is a part.

We recommend that the territorial government institute a crash program of university education for selected Indians, Metis and Eskimos.

(i) Department of Welfare and Social Services

We recommend that there be a department of welfare and social services.

(j) Department of Public Works

We recommend that there be a department of public works.

(k) Law Enforcement and the Judicial System

We recommend that

- (i) there be a department of justice; and
- (ii) territorial magistrates and other judicial officers whose jurisdiction is equivalent to that of judicial officers appointed in the provinces by provincial authority be appointed by the commissioner of the Northwest Territories.

(l) Department of Lands and Resources

We recommend that

- (i) there be a department of lands and resources, with jurisdiction over game, forestry, agriculture and surface rights to land in and adjacent to settlements; and
- (ii) there be a land titles office in the capital.

5. **RELATIONSHIPS BETWEEN THE TERRITORIAL AND FEDERAL GOVERNMENTS NOT CONSIDERED ELSEWHERE**

(a) **The Quinquennial Financial Agreement**

Until now the plan on which the budget is based has related only to Mackenzie district. If our earlier recommendations are accepted, the plan in future must cover the entire Northwest Territories.

(b) **The Transfer of Administration**

We recommend that the Department of Northern Affairs make an agreement with the government of the Northwest Territories for administration of Indian and Eskimo affairs by the Northwest Territories at the time when welfare administration is transferred.

(c) **Federal-Provincial and Inter-Provincial Conferences**

We recommend that the territorial government be represented as observers, or as members, depending on the appropriateness of the occasion, at federal-provincial and inter-provincial conferences, including conferences of ministers other than first ministers.

(d) **Ownership of Natural Resources**

This report refers earlier to the question of transfer of subsurface rights from the federal crown to the territorial government. In our judgment it would be premature to make the transfer at this time. We recommend, however, that surface rights to land in and adjacent to settlements be appropriated.

(e) **Federal Power of Disallowance of Territorial Legislation**

We recommend that the period within which the federal power of disallowance of territorial legislation may be exercised be reduced to one year, as is the case with the provinces.

(f) Decennial Review

We recommend that the political, economic and social development of the Northwest Territories be subject to public review not more than ten years hence, and that provision for the review be incorporated in the Northwest Territories Act.

6. ANCILLARY RECOMMENDATIONS

(a) Communications

We endorse the recommendation of the Fowler Committee on Broadcasting that there be an increase in expenditures for the northern service of the Canadian Broadcasting Corporation "to at least \$1.7 million as soon as possible", and we urge its implementation.

We recommend that the matter of postal service to outlying communities be studied with a view to the reduction of air postage rates within the Territories other than for first class mail, and with a view to a general improvement in postal services.

(b) Boundaries

We recommend that the boundaries of both political and administrative divisions within the Territories, federal and territorial, be coordinated as far as possible.

(c) Translation of Recommendations

We recommend that consideration be given to the translation of our recommendations into the various Indian and Eskimo languages.

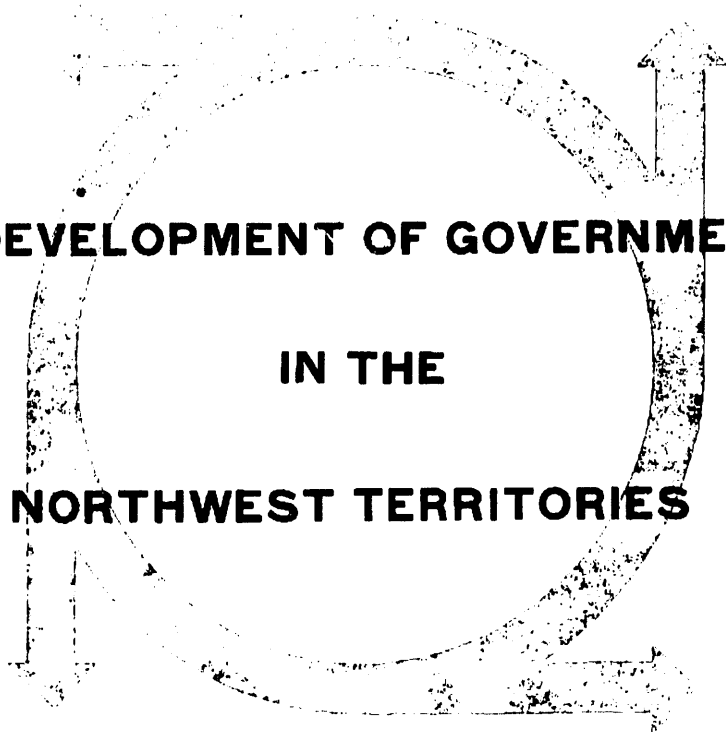
REPORT OF THE ADVISORY COMMISSION

ON THE

DEVELOPMENT OF GOVERNMENT

IN THE

NORTHWEST TERRITORIES



VOLUME 1

1966 OTTAWA, CANADA.

REPORT OF THE
ADVISORY COMMISSION
ON THE
DEVELOPMENT OF GOVERNMENT
IN THE
NORTHWEST TERRITORIES

1966

OTTAWA, CANADA

VOLUME 1

**ADVISORY COMMISSION
ON THE DEVELOPMENT OF GOVERNMENT IN THE
NORTHWEST TERRITORIES**

P. O. BOX 2802, STATION D, OTTAWA 4, ONT.

CHAIRMAN - PRÉSIDENT
A.W.R. CARROTHERS

**COMMISSION CONSULTATIVE
SUR L'ÉVOLUTION DU GOUVERNEMENT DANS
LES TERRITOIRES DU NORD-OUEST**

C. P. 2802, SUCCURSALE D, OTTAWA 4, (ONT.)

MEMBERS - MEMBRES
J.M. PARKER - J. BEETZ

30 August, 1966

The Honourable Arthur Laing,
Minister of Indian Affairs and Northern Development,
Ottawa, Canada.

Sir:

We, the Commissioners appointed by Order-in-Council dated 3rd June, 1965, to advise the Minister of Northern Affairs and National Resources on matters related to the political development of the Northwest Territories: Beg to submit the following Report.

A. W. R. Carrothers.

A. W. R. Carrothers, Chairman

Jean Beetz

Jean Beetz, Member

John H. Parker

J. H. Parker, Member

TABLE OF CONTENTS

A. INTRODUCTION	1
1. Terms of Reference and their Interpretation	1
2. How the Commission Went about its Business	3
3. How the Report is Organized	19
B. EVOLUTION OF THE PRESENT FORM OF GOVERNMENT IN THE NORTHWEST TERRITORIES	22
C. A FUNCTIONAL REVIEW OF GOVERNMENT IN THE NORTHWEST TERRITORIES TODAY	27
1. The Federal Government	27
(a) Department of Northern Affairs and National Resources	27
(b) Department of National Health and Welfare	34
(c) Department of Transport	35
(d) Department of Public Works	37
(e) Department of National Defence	38
(f) Department of Justice	38
(g) Department of Mines and Technical Surveys	39
(h) Department of Fisheries	40
(i) Department of Agriculture	41
(j) Department of Forestry	42
(k) Post Office Department	42

(ii)

(1) Department of National Revenue	43
(m) Department of Labour	43
(n) Royal Canadian Mounted Police	44
(o) Canadian Broadcasting Corporation	45
(p) Coordination	46
2. The Territorial Government	47
3. Local Government	50
(a) Community Types	50
(1) Administrative	50
(2) Defence Service	50
(3) Traditional Resource Base	51
(4) Non-renewable Resource Base	52
(5) Complex	52
(b) Present Forms of Local Government	53
(1) Unorganized Settlement	53
(2) Development Area	53
(3) Local Improvement District	54
(4) Village	54
(5) Town	55
4. Non-Governmental Institutions that Relate to the Operation of Government	56
(a) Religious Institutions	56
(b) Cooperatives	57

(c) Commercial and Labour Organizations	58
D. NON-GOVERNMENTAL PROBLEMS OF THE NORTH THAT RELATE TO FORMS OF GOVERNMENT	60
1. Social and Economic Problems	61
2. Physical Characteristics	72
(a) Geographical Factors	72
(b) Size	74
(c) Global Position	74
(d) International Position	75
(e) Position in Canada	78
(f) Geology	79
(g) Physiography	82
(h) Climate	85
(i) Flora and Fauna	89
(j) The People	92
(k) Government	95
E. ALTERNATIVE PROGRAMS FOR POLITICAL DEVELOPMENT	96
1. Alternative Constitutional Forms	97
(a) Traditional Forms: The Federal Principle	97
(i) Differences between the Present Status of Territorial Government and Full Provincial Status	97
(A) Relationship to the Federal Government	97

(iv)

(B) The Executive Branch of Government	99
(C) The Legislative Branch of Government	103
(ii) Quasi-Provincial Status	108
(b) Non-Traditional Form of Government; The Unitary Principle	113
(c) Pervasive Constitutional Peculiarities	115
(d) Specific Issues of Forms of Government	118
2. Alternative Geographic Areas of Government	121
(a) Geographic Alternatives	121
(b) Pervasive Constitutional Questions	123
F. POSTULATES	125
G. RECOMMENDATIONS	140
1. General Observations	140
2. The Issue of Division	143
3. The Seat of Government	153
4. The Structure of the Territorial Government	157
(a) The Commissioner	158
(b) The Deputy Commissioner	161
(c) The Executive Council	162
(d) The Legislative Assembly	163
(e) Administration; the Civil Service	170

(f) Economic Development	172
(g) Department of Local Government	188
(h) Department of Education	197
(i) Department of Welfare and Social Services	199
(j) Department of Public Works	200
(k) Law Enforcement and the Judicial System	201
(l) Department of Lands and Resources	205
5. Relationships Between the Territorial and Federal Governments Not Considered Elsewhere	206
(a) The Quinquennial Financial Agreement	206
(b) The Transfer of Administration	207
(c) Federal-Provincial and Inter-Provincial Conferences	207
(d) Ownership of Natural Resources	208
(e) Federal Power of Disallowance of Territorial Legislation	208
(f) Decennial Review	208
6. Ancillary Recommendations	210
(a) Communications	210
(b) Boundaries	214
(c) Translation of Recommendations	214

A. INTRODUCTION

1. Terms of Reference and their Interpretation

Order in council 1005, dated 3rd June, 1965, from which the commission derives its authority, reads as follows:

The Committee of the Privy Council, on the recommendation of the Minister of Northern Affairs and National Resources, advise that Your Excellency may be pleased to establish a commission to be known as the Advisory Commission on the Development of Government in the Northwest Territories to advise the Minister of Northern Affairs and National Resources on matters related to the political development of those Territories; the said Advisory Commission to be composed of A. W. R. Carrothers of London, Ontario, as member and Chairman, Jean Beetz of Montreal, Quebec, and John H. Parker of Yellowknife, Northwest Territories, as members, the said three members to receive such remuneration as approved by the Honourable the Treasury Board.

The Committee further advise that Your Excellency may be pleased to authorize the Advisory Commission to adopt such procedures and methods as it may from time to time deem expedient for the proper conduct of its studies and sit at such times and at such places as it may decide from time to time; and to engage the services of such staff and advisers as it may require at rates or remuneration and reimbursement approved by the Honourable the Treasury Board.

The Committee further advise that Your Excellency may be pleased to order that the said Advisory Commission make a report to the Minister of Northern Affairs and National Resources with all reasonable despatch.

This order in council gave executive effect to a statement made by the Honourable Arthur Laing, Minister of Northern Affairs and National Resources, in the House of Commons on Tuesday, 11th May, 1965. The Minister's statement reads in part as follows:

We believe there is need for an impartial and objective fact finding group of persons to consider the questions relating to the immediate and longer term political development of the Northwest Territories. In particular the residents should be given an opportunity to make their views known.

It has therefore been decided to appoint an Advisory Commission on the Development of Government in the Northwest Territories. The terms of reference of the Commission will enable it to review government in the Northwest Territories and to recommend to the Minister of Northern Affairs and National Resources the form of government that seems most appropriate consistent with political, economic and social development. Within this general framework the Commission will be expected to give specific attention to the following matters:

- (a) the views of residents of the Northwest Territories and other Canadians regarding the foregoing;
- (b) the nature of the Federal Government's responsibility for the Territories;
- (c) consideration of the political development of the Territories contingent on the size, nature and distribution of population and its ability to pay a significant share of the cost involved having regard to the present and prospective level of social and economic development;
- (d) the present forms of government of the Northwest Territories as defined by the Northwest Territories Act and the Northern Affairs and National Resources Act;
- (e) the subject matter of the previous proposals affecting the constitutional structure of the Territories; and
- (f) other recommendations the Commission considers desirable.

The commission reads the formal language of the order in council to bear the meaning of the words in this passage from the Minister's statement. We have sought to make our recommendations, and the statements of facts and postulates on which the recommendations are founded, responsive to this elaboration on the terms of reference.

2. How the Commission Went about its Business

The commission first met on 31st May, 1965, in Ottawa. At this meeting the commission determined that

- (a) the members should attend part of the meeting of the council of the Northwest Territories scheduled to commence on 14th June, 1965, in Yellowknife, and to visit the town of Hay River and the village of Fort Smith and such other communities as might be arranged;
- (b) the commission should travel throughout the Northwest Territories and hold public hearings in as many communities as possible in August and September of 1965 (see clause (a) of the Minister's statement);
- (c) the commission should travel into the Northwest Territories in the winter of 1965-66, at a time and on an itinerary to be determined after the summer tour, to observe ways and conditions of life in the north in winter (see clause (a) of the Minister's statement);
- (d) professional studies should be commissioned on major facets of life in the Northwest Territories, specifically on economic prospects of the north, on the sociology, or the nature of the peoples of the north, and on the interaction between human and physical geographic factors as they relate to problems of government (see clauses (b) and (c) of the Minister's statement);
- (e) the commission should solicit the views of residents of Canada

outside the Northwest Territories, and particularly those of provincial governments and persons associated in the past with the government of the Northwest Territories, and should hold public hearings, in the first instance at least, in the city of Ottawa (see clause (a) of the Minister's statement).

At this time the commission also arranged to establish its headquarters in Ottawa, in accommodation to be allocated for the purpose in the Centennial Tower, then in the process of completion.

The commission next met in Yellowknife on 14th June, 1965. Here we attended the opening of the thirtieth session of the Northwest Territories council and some of its proceedings, and continued with the organization of the work of the commission. At this point we were concerned principally with securing a secretariat, with making arrangements to hold public hearings as widely as possible throughout the north, and with commissioning the special studies.

After leaving Yellowknife the commission visited by air, on short notice, the Great Slave Lake communities of Snowdrift and Fort Resolution. We were accompanied by Father Marrec, of Yellowknife, who served as interpreter. Those in attendance at the meeting in the schoolhouse in Snowdrift were predominantly Chipewyan Indians. They responded, on the basis of a fairly limited experience but a practical understanding, to questions respecting

their views on the development of government in the Northwest Territories. Notice of the meeting at Fort Resolution was not as effective as it had been at Snowdrift. The commission encountered friction among the treaty Indians, non-treaty Indians and Metis which made it necessary to hold separate hearings.

The commission paid courtesy visits to Hay River and Fort Smith, meeting in Hay River the mayor and some of the members of the council and at Fort Smith the chairman and members of the council and some of the federal civil service staff and business leaders in the village.

In June, 1965, Dr. W. O. Kupsch, professor of geology and director of the Institute for Northern Studies at the University of Saskatchewan, consented to head the staff of the commission as executive director, as of 1st August, 1965. Dr. J. W. T. Spinks, president of the University of Saskatchewan, agreed to release Dr. Kupsch from his university duties for the academic year 1965-66.

At this same time the Department of Northern Affairs and National Resources seconded to the commission R. A. Hodgkinson, assistant district administrator, Mackenzie district, as technical adviser.

On 23rd June, the chairman and Professor Beetz met the Minister of Northern Affairs and National Resources in Ottawa. The

two commissioners completed further administrative arrangements, including the temporary securing of translation services in Ottawa and the preparation of a tentative budget.

During the month of July Mr. Hodgkinson arranged for a five week tour of the Northwest Territories to commence 1st August, so far as plans could be completed at a distance. Mr. Hodgkinson's duties consisted of advising on the itinerary, arranging for public meetings scheduled for the tour, sending letters and notices to communities in Keewatin and Franklin and to communities and Indian band leaders in the Mackenzie, advertising in newspapers in the Mackenzie (there is no local public press in the eastern arctic), arranging for the selection and transportation of delegates from smaller locations to central communities where hearings were to be held, and arranging for accommodation for the party. Mr. Hodgkinson's work also included making arrangements with the northern service of the Canadian Broadcasting Corporation for radio notice of the commission's itinerary and meetings, and for broadcasts of statements designed to inform the listener of the nature and purpose of the commission's assignment.

Throughout that period of the commission's work when we were seeking the views of residents of the Northwest Territories and other Canadians, as instructed in the Minister's statement, the

staff of the northern service of the Canadian Broadcasting Corporation were of great assistance. They arranged for interviews with the commission in Ottawa, Frobisher Bay, Inuvik, and Yellowknife, and for broadcast of the interviews in the north in advance of our tour. In addition, the staff of the northern service taped and broadcast a portion of the public hearings in Frobisher Bay and made regular spot announcements in communities in the Mackenzie valley of the pending visits of the commission.

Data respecting the June and August-September tours and the March visit are set out in appendix A. In sum, the commission travelled some 10,285 air miles within the Northwest Territories, visited 51 communities, held 59 public hearings, and through the hearings came in contact with 3,039 adults, or greater than 1 out of every 5 adult residents of the Northwest Territories. In appendixes B, C and D are also reproduced the tables of contents and indexes of abstracts prepared by George B. Goba, B.Sc., under the direction of Dr. Kupsch, of briefs, submissions, and oral testimony submitted to the commission in its hearings and by mail. These abstracts record in abbreviated form the views of northern residents and others in Canada on the development of government in the north and on allied and collateral matters.

The party for the summer tour consisted of the three

commissioners, Dr. W. O. Kupsch (executive director), R. A. Hodgkinson (technical adviser), Lyle Gillespie (chartered shorthand reporter), Simonie Michael (interpreter) who left the party at Hall Beach when we moved west out of the Hudson Bay area, Ed Berthe (interpreter) who accompanied the party from Churchill, Manitoba, to Rankin Inlet, Stuart Lake (Canadian Press representative), Raoul St-Julien (Canadian Broadcasting Corporation representative), and an air crew of four. The aircraft carried other persons on occasion, delegates coming to a central meeting place or returning to their home communities, and sick persons on their way to medical care. On one occasion, it was our sad duty to return a coffin bearing the remains of an Eskimo child to her adoptive parents.

The most outstanding challenge of the August-September tour was the problem of communication. There was no difficulty so far as white residents of the north were concerned. There were real difficulties for us in talking with Eskimos and with Indians. In order that there may be verbal communication, words and the ideas which they represent must be understood, and there must be a desire of the speaker to be understood and of the listener to understand. The first level of our problem was linguistic. Although there is a basic common Eskimo language, there are differences in dialect which have been mastered by very few persons. Among the Indians of the

Mackenzie watershed are six distinct languages. At the second level was the problem of communicating ideas. Here the difficulty manifested itself differently among the Eskimos and Indians. Nouns in the Eskimo language, we are told, are nearly all concrete; there are very few abstractions. We journeyed to the north to discuss one of the most complex abstractions known to the Western world - that of government. What did we want the Eskimo to understand by the term government? The word may symbolize the local administrator for the Department of Northern Affairs and National Resources, on whom the Eskimo may depend for welfare and other advantages. It may refer to representatives of other federal departments in the area, such as the Department of Transport, or National Health and Welfare, or the R. C. M. Police. By "government" sometimes is meant "Ottawa", which to many northern people is not a city or even a collection of persons, but is an idea which ultimately symbolizes impersonal power. The term may refer to the local member of parliament, or to a visiting federal minister. It might refer to people in Churchill, Manitoba, where the Department of Northern Affairs and National Resources has its headquarters for Keewatin district of the territories. It might refer to the commissioner of the Northwest Territories or to the council, and even here we presented the audience with an ambiguity because we referred to ourselves as a commission. Government might even

mean to some people the Hudson's Bay Company or the Roman Catholic or Anglican missions, both of which performed services for the federal government prior to the establishment of the Department of Northern Affairs and National Resources in 1953, and which continue to be identified to a degree by northerners with the southern "establishment" in the north. We discovered that the Eskimo word which our interpreter used for government meant, in literal translation, "people who look after others". These are a people with no word for government, but with fourteen words for snow. It was an Eskimo who expressed most clearly this dilemma of words and ideas, and of interpreting in two directions. He said (as it came to us in translation) that he knew what he wanted to say in his own language but he was not sure that we would understand his kind of ideas. These are a people who recognized at least as rapidly as we did the philosophical nature of the problem of communication.

The difficulty of communicating ideas took a different form among the Indians of the Mackenzie. There being five distinct languages among the Indians, we were obliged to seek the services of interpreters as we moved up the Mackenzie valley. This meant that we had to brief each interpreter, for a comparatively short period of service, on the nature of our work; no interpreter gained any lengthy experience with the ideas which we were attempting to discuss

and the form in which we wished to discuss them. In addition, from Inuvik to Fort Smith we encountered overt and covert caution and, to a degree, resentment. We were not made to feel unwelcome, but we felt that we were being kept at arm's length. It is not expressly part of our assignment to probe the causes of this reserve, but it is relevant to the issue of development of government in the Northwest Territories to note the abrasiveness of the relationship between the Indian and the white (at least the white official), to look, at least initially, for its causes, and to take the causes into account in making recommendations. This problem is considered in a broader context in part D of this report, on non-governmental problems of the north that relate to forms of government.

Our public hearings tended to fall into a common pattern. The opening remarks consisted, with translation, of approximately an hour's address, stating the object of our visit and giving an account of how Canada is governed and the significance of government to the Northwest Territories. The address concluded with an outline of questions on which we sought the opinion of the audience. Appendix E contains a composite transcript of an introductory session and a list of questions. Where time permitted, the hearing was adjourned after the introduction to the next day or to a time later the same day. On reconvening, we then invited those in attendance to speak as they wished.

The transcript shows that comment varied from the subject of issues of government to matters of personal concern in the daily lives of the members of the community.

We discovered that we could not go into the north merely to listen and to observe. For the moment at least we became part of the events of the north; merely by asking questions we affected the thinking of the people in the north, and by coming and going we affected the lives of the people in the north. Our hearings made it evident to us that as significant as any other facet of our tour was the fact that we were conducting what amounted to a course in civics, however that course might ultimately be judged.

In September, 1965, the commission placed advertisements in the major daily newspapers in the provinces inviting residents of Canada to make submissions by mail to the office of the commission in Ottawa. In addition, invitations by letter were sent to the provincial premiers, to former commissioners and to former members of the Northwest Territories council, and to individuals and groups knowledgeable about the north. The same invitation was repeated throughout the Northwest Territories through the use of posters, in English, Eskimo (both in the Roman alphabet and in syllabics) and the various Indian languages, inviting residents of the north to write to the commission about their views. These posters were sent to all

settlements of the Northwest Territories. In total the commission received 140 submissions, 106 from within the Territories and 34 from outside. Translation services of submissions written in Eskimo were given by Paul Koolerk, Elijah Erklook, Mary Pingwartuk, Mrs. Minnie Moore and Joannasie Salomonie, Department of Northern Affairs and National Resources.

In September, 1965, arrangements were completed for a study of the economic prospects of the north by the Winnipeg firm of consulting economists, Hedlin, Menzies & Associates Limited. The commission also requested Dr. Kupsch to undertake a study of the physical geography of the Northwest Territories which comprised a compilation of an atlas of the Territories and a book describing each settlement visited by the commission.

The commission was anxious to obtain a sociological study of the peoples of the Northwest Territories, to learn what we could, from professionally trained observers, of the human resources of the north and of the significance to the residents of the north and to the future of the Northwest Territories of introducing and extending various and alternative forms of responsible government. We discovered the opinion, however, as our own brief observations had led us to suspect, that there is no pan-arctic socio-cultural structure. The east and the west are divided down ethnic lines, in terms of the aboriginal population,

along the tree line from Tuktoyaktuk in the north-west to Churchill, Manitoba, in the south-east. Although the six Indian linguistic groups are united in a sense by the Mackenzie River, the Eskimo people are a poly-centric race, each community being isolated, self-contained, and, so far as natural resources will allow, self-sufficient.

In pursuit of a sociological study of the north, the chairman and Professor Beetz met with advisers in Ottawa in September, 1965, and determined to attack in stages the problem of obtaining professional assistance in the sociological field. The first stage was to convene a private conference of sociologists and anthropologists familiar with the Northwest Territories to discuss a wide range of topics. The second stage was to commission a report on sociological and anthropological research. The third stage, decided upon later, was to commission two socio-political studies.

The private conference of sociologists and anthropologists (stage one) was arranged by R. Alexander Sim, consulting sociologist, of Strathmere Associates, North Gower, Ontario. The meeting was held at Montebello, Quebec, from November 12 - 14, 1965. Persons in attendance, besides the commissioners and the executive director, were Dr. Frank Vallee, associate professor of anthropology at Carleton University, Victor F. Valentine, associate professor of

anthropology at Carleton University, Walter Rudnicki, then chief of social programs, Indian Affairs Branch of the federal Department of Citizenship and Immigration, Graham W. Rowley, secretary, Advisory Committee on Northern Development, Department of Northern Affairs and National Resources, Dr. John Honigmann, professor of anthropology, University of North Carolina, and R. A. Sim of Strathmere Associates. The conference served largely to inform the commissioners of sociological and anthropological factors relating to various parts of the Northwest Territories.

Between the summer tour and the November conference the commission also arranged with the Department of Northern Affairs and National Resources to retain the services of J. R. Lotz and G. F. Parsons, of the Northern Coordination and Research Centre of the Department, to make a review of research on socio-economic and political development in the Northwest Territories (stage two, referred to above). This report was made available to the commission in January, 1966. After the November conference at Montebello the commission retained the services of Professor J. Jameson Bond, assistant professor, Department of Sociology & Anthropology, University of Windsor, to undertake two socio-political studies. The first was a comparative study relating to the indigenous peoples of Australia (Bushmen), New Zealand (Maori) and America (Indian). Our own

studies took us into the literature relating to Greenland, Alaska, and to some extent the Soviet Union. The object of the first study was to compare socio-political structures of indigenous peoples and problems inherent in introducing forms of responsible government. It was planned that the report contain in each instance a synoptic statement of the indigenous systems of political control, the nature of the historical relationships between the indigenous peoples and the European colonists, the legislative policies of the colonial government vis-à-vis the indigenous population, the administrative results of such policies and their effect on the indigenous peoples, and the current status of programs of political development in these same areas. The second study was to be an assessment of the likely effect on the peoples of the Northwest Territories, and on their ways of life, of the evolution of institutions of responsible government in the north, and in turn the likely effect on the political institutions of the ways of life of the peoples of the Northwest Territories. It evolved into "A Plan for Human Resource Development within the Northwest Territories: A Political Approach."

In addition to the foregoing activities which followed the summer tour, the commission requested one of its members, J. H. Parker, and Dr. Kupsch to visit the Yukon Territory and to confer, for the edification of the commission, with Commissioner Gordon R.

Cameron and other persons knowledgeable of the functions of the territorial government in the Yukon. This visit took place on October 19 - 22, 1965. On the same basis, Prof. Beetz conferred in Quebec City with Eric Gourdeau, director-general of the New Quebec Branch of the Department of Natural Resources for the province of Quebec, and others in the Department, on June 23rd, 1966.

On November 15th, 1965, the commission commenced public hearings in the city of Ottawa, in accordance with its earlier decision and in fulfilment of its newspaper advertisements of September, 1965, to provide an opportunity for Canadian residents outside the Northwest Territories to make oral submissions if they so desired. As indicated earlier, the commission issued personal invitations to persons known to have an interest in the north, to assist the commission by giving their views in public hearing. The persons who appeared at these hearings are listed in appendix F.

The commission deliberated privately in London, Ontario, from January 25th to January 27th, 1966. At this time the commission determined to return to the arctic region for ten days from 7th to 16th March, 1966. The object of the visit was to see conditions of life in the Northwest Territories in winter and to visit communities which the commission was prevented by weather from seeing during its tour in the summer of 1965. All communities that were by-passed were

in the eastern arctic, many of them on Baffin Island. The commission had visited the Mackenzie region twice in the summer of 1965, and considered that its time in March could best be utilized in visiting the eastern arctic. The party for the March trip, in addition to the commissioners and the executive director, consisted of Lyle Gillespie (chartered shorthand reporter), Stuart Lake (Canadian Press), and Robert Williamson (assistant professor of anthropology in the University of Saskatchewan, who accompanied the party as interpreter). The March trip went as planned. Hearings were held in 13 communities and the commission visited 3 other settlements. Details of the tour are recorded in appendix A. Briefs presented at the hearings held during the winter trip included some written in the Eskimo language, which were translated into English by Mrs. Minnie Moore, Department of Northern Affairs and National Resources.

The commission continued its deliberations from 30th May to 3rd June, 1966, and 18th July to 26th July, 1966.

A map showing the 3 tours of the commission is reproduced in appendix G.

3. How the Report is Organized

In September, 1965, the Department of Northern Affairs and National Resources published The Northwest Territories Today as a reference paper for the commission. In the foreword the Minister stated:

From the work of the Commission will come recommendations for changes in the responsibilities and the relationship of the federal and territorial governments. These recommendations, combined with the results of the detailed examination of policies now under way and the public debate which is expected both in the Territories and Canada as a whole, will be followed by the publication of a White Paper on Canadian Policy in the Northwest Territories.

This paragraph indicates that from a public debate on the subject of government in the Northwest Territories to which this report is expected to contribute, and from a departmental review, will come a statement of governmental policy respecting the development of government in the Northwest Territories. The commissioners therefore determined that this report should be cast in a form and style that will best meet the function designed for it by the Minister.

Part B of this report gives a brief account of the characteristics of development of the form of government in the Northwest Territories since Confederation. This is followed, in part C, by a functional

review of present government activities in the Northwest Territories, with the object of indicating what government means to the residents of the Territories.

Part D essays to record facts and relationships which show the qualities to be found in the residents of the north and the problems which the residents face in the daily round of earning a living. The object of this section is to indicate some of the non-governmental problems of the peoples of the Northwest Territories that relate ultimately to forms of government, and particularly to indicate the uniqueness of the challenge of bringing the best kind of responsible government to the peoples of the Northwest Territories in the best kind of way.

A wide range of alternative programs for the political development of the Northwest Territories was presented to the commission in the course of its hearings and studies; and attached to whatever program might ultimately be selected by the government of Canada are certain pervasive questions that must be resolved in some form. Part E records these alternative programs and pervasive questions in order to set down the choices which the commission considered were open to it, and the specific issues which the unique question of government of the north poses and to which the political

climate of the north today demands an answer.

The uniqueness of the question of development of government in the particular part of the world known as the Northwest Territories means that analogies and precedents are of limited value. Fairly early in our study we felt impelled to attempt to articulate statements of values fundamental to the political development of the Northwest Territories in a context of economic and social values and objectives. These we have chosen to call postulates, on which the commission's recommendations are based. These are set out in part F.

In part G the commission records its recommendations for resolving the choices and issues set out in part E. The commission also considered other questions placed before it in its public hearings or in the mailed submissions which we solicited. Insofar as those questions relate to the general issue of the development of government in the Northwest Territories, they are also considered in part G. Other questions, of a nature more personal to the individual residents who raised them, may be found in the indexes to the abstracts of submissions, briefs and verbatim reports which are reproduced in appendices B, C and D.

B. EVOLUTION OF THE PRESENT FORM OF GOVERNMENT IN THE NORTHWEST TERRITORIES

There is a substantial literature concerning the historical development of forms of government in the Northwest Territories. This section of the report does not attempt to duplicate the scholarly work of the authors but only to extract from these sources what the commissioners consider to be the salient features of the political history of the north as they illuminate the immediate question of the development of government in the Northwest Territories.

The scope of Canada's claim to what is now included in the Northwest Territories did not become clarified until 1925, when, by the application of the "sector principle", Canada asserted supremacy over the islands in the arctic archipelago, stretching from the mainland of the North American continent to the geographic north pole. This assertion was challenged by other countries even into the 1930's. It is symptomatic of uncertainty respecting the location of the northern borders of Canada that maps originating in the United States did not show these lands to be Canadian soil until World War II. Events in the post-war period relating to the northern defence of the North American continent confirm the recognition of Canadian sovereignty in the arctic islands, if not to the waters within the hypothetical sector that stretches from the western and

eastern extremities of Canada to the Pole.

The first interest of the white man in the north, and an interest inherited by Canada after Confederation, basically was economic. The interest of the Hudson's Bay Company was primarily in the fur trade of Rupert's Land. The ephemeral and seasonal visits of whalers equally were in the exploitation of a renewable natural resource. In sequence to this commercial interest came a broadening political assertion of possession of the land and a minimal assertion of white man's law and order. With the passage of the years, and with considerably increased private activity and interest in the north, the activities of the government of the Northwest Territories and of federal departments operating in the north, government in both its legislative and administrative facets has become not only a highly significant factor in the lives of persons resident in the north but also an active question respecting the political relationship between the individual and the state.

After the acquisition from the Hudson's Bay Company of Rupert's Land by Canada in 1870, the land designated as the Northwest Territories stretched west and north of the new dominion through a vast and largely unexplored residual region, from the southern boundary of Canada to the Rocky Mountains and north through the country of the Mackenzie River, through Hudson Bay and the barren

lands between, and yet further north to the arctic islands and beyond. In the first period after Confederation, legislative and executive powers in the government of the North-West Territories were vested in the lieutenant-governor, a complete joinder of power in an appointee of the state. This stage of government was followed by a second stage which lasted down to 1905. By that time Manitoba, Alberta and Saskatchewan had been created provinces and the Yukon a separate territory. During this period the council of the Northwest Territories acquired a legislative role, and a portion of its members - eventually a majority and finally the totality - were selected by popular vote. In complementary development the office of lieutenant-governor evolved from that of a colonial governor to the comparatively titular role of the office of provincial lieutenant-governor of today.

In 1905 the provinces of Alberta and Saskatchewan were carved out of the Northwest Territories. Manitoba had been created a province in 1870. The Yukon had been created a separate territory in 1898 in response to the gold rush of that year, the border of the territory being calculated to include potential alluvial gold areas. As of 1905, the vast bulk of the former population of the Territories was now in the prairie provinces and in the Klondike, and the residual land lying north of the new provinces reverted to a form of government

approximating the first post-confederation stage, consisting of a commissioner (a title deriving from an office in the North-West Mounted Police) and an appointed council. Physically the Northwest Territories took on an even clearer residual character in 1912, when the limits of Manitoba, Ontario and Quebec were pushed north to establish the present boundary at 60 degrees north latitude and to locate the arctic region of Ungava within the borders of the province of Quebec. Down to 1951 the actual development of forms of government lagged considerably behind the general assertion of a Canadian economic and political interest in the north.

In 1951, amendments to the federal statute that forms the effective constitution of the Northwest Territories (the government of the Northwest Territories is a creature of parliament, subject to the will of parliament, and is not secured in provisions of the British North America Act) restored the form of government to approximately that of the second stage after confederation. The legislative and executive functions are now separated, but the commissioner presides over the council. Down to 1966 a minority of the members of the council were elected. The appointees originally were civil servants, and latterly have been persons outside the public service chosen for their special knowledge of and interest in the north. The

commissioner, without the assistance of an executive, controls the introduction of money bills and is accountable for his administration not to the council but to the government of Canada. It is, in effect, a colonial form of government, based, until 1966, for reasons largely of disparity between the vast size of a forbidding land and the minuscule size of a culturally disparate peoples, not on universal suffrage but on enfranchisement within regions where it was considered that the right to vote could, as a matter of practical reality, be exercised.

The broad question before this advisory commission is whether there should now be a further advance toward responsible government, and if so, in what way and over what period of time.

C. A FUNCTIONAL REVIEW OF GOVERNMENT IN THE NORTHWEST TERRITORIES TODAY

1. The Federal Government

The following review of federal government departments and agencies in the Northwest Territories is designed to describe their roles as they affect northern residents. Details are not given for federal agencies which play no special northern role, such as the Unemployment Insurance Commission, the National Research Council, the National Film Board, and Central Mortgage and Housing Corporation.

(a) Department of Northern Affairs and National Resources

The Department of Northern Affairs and National Resources affects the lives of Northwest Territories residents more than does any other. It also comprises the largest single federal personnel force in the north. The department's activities cover a broad field. In certain areas they are analogous to the responsibilities of a provincial government, because at present the department acts as the civil service for the territorial government in most territorial spheres. The territorial government is in the process of establishing its own civil service.

The major functions and responsibilities of the department in the Northwest Territories consist of the administration of crown

land, education, forest, fur and mineral resource management, social welfare, promotion of industrial development, provision of engineering services for departmental use, liaison with the territorial government and local governments, the study and control of game through the Canadian wildlife service and a host of administrative functions necessitated in part, at least, by a lack of a fully developed territorial administration.

For administrative purposes, the department has divided the Northwest Territories into two districts, Mackenzie and Arctic, each headed by an administrator who is in charge of field forces for his district. He is answerable to the director of the northern administration branch of the department. The administrator of the Mackenzie is resident at Fort Smith. His district is further divided into three regions, each headed by a regional administrator. Each region consists of a number of areas, the area being the smallest administrative unit. Area administrators report to their appropriate regional administrator. At present there are eight areas in Mackenzie district.

The remainder of the Northwest Territories, comprising the political districts of Franklin and Keewatin, are included in the Arctic district (together with "Arctic" Quebec). The administrative organization of the Arctic district follows the pattern of the Mackenzie, with the significant difference that the administrator resides in Ottawa. There

are three regions and 16 areas in the Arctic district. The headquarters of the Keewatin region is outside the Northwest Territories, in Churchill, Manitoba.

In many of the smaller communities the area administrator is the senior resident representative of the federal government, and as such is called upon to perform many functions, including some for other federal departments. The indigenous peoples, in particular, look upon the area administrator as their representative from "Ottawa".

In the power structure of the settlement, the importance of the area administrator appears to be increasing while that of former leaders, the Hudson's Bay Company manager, the missionary and the R. C. M. P. officer, is tending to decrease. The growth of federal and territorial social welfare and housing programs, administered by the Department of Northern Affairs, is partially responsible for this power shift.

The Department of Northern Affairs and National Resources was created in 1953 to succeed the Department of Resources and Development, which in turn was the successor of the Department of Mines and Resources (established 1936), and Department of Interior (established 1873) and the Department of State (established 1868). In creating the new department, the federal government gave notice of its intention to expand its role in northern development and

administration. Important advances have been made since 1953 in many fields, which are the more remarkable in light of the almost complete lack of administrative organization and staff in the north at that time. The following review of department activities relates to the decade 1955-1965.

In 1955 10 permanent and casual employees engaged in forest protection (fire) serviced 16,000 square miles. By 1965 36 employees tended 70,000 square miles. A caribou conservation program has been increased, with apparent success. Roads increased from 116 to 499 miles.

Bulk fuel oil storage tanks were non-existent in 1955. Today tanks, holding a total of 4.8 million gallons, have been constructed in many settlements where no commercial supplier is established. Bulk storage has considerably reduced the cost of heating oil. The combined electrical power output of Northern Canada Power Commission and Northern Affairs plants increased from 51.7 to 139.8 million KWH. Forty-two communities are now served with electric power from these plants; 12 were served in 1955.

Over 1000 houses have been provided for Eskimo people, either as welfare homes or on purchase-rental plans. The investment of the department in buildings and structures has grown from \$2.5 million to \$73 million.

The industrial division of the department has directed its efforts toward tourism and the establishment of secondary industries as an aid to local employment. The inflow of tourists increased from 250 in 1955 to an estimated 6,000 in 1965. Fur garment shops, laundries, a cannery, and a boat building shop have been established. The Eskimo and Indian arts and crafts industry, much of the product marketed through native cooperatives, now grosses \$750,000 annually.

Particularly significant is the development and utilization of educational facilities. Federal day schools increased from 22 to 51, classrooms from 88 to 321, enrolment from 2279 to 6415, and pupil residences from five to 28.

Prior to 1955 social welfare programs were virtually non-existent. A technical and administrative organization has now been established and programs of child welfare, public assistance and welfare housing are in operation. Welfare expenditures by the northern administration branch and the territorial government rose from \$243,000, to \$2,582,000. In addition the Indian affairs branch of the Department of Citizenship and Immigration spent \$358,000 on welfare in the north in 1965.

In 1965, the Department of Northern Affairs and National Resources had approximately 1100 employees resident in the Northwest Territories. For the fiscal year 1964-65, expenditures by the

department in the Northwest Territories amounted to \$21, 150, 000 and revenue totalled \$3, 230, 000.

On January 1st, 1966, the Indian affairs branch was transferred from the Department of Citizenship and Immigration to the Department of Northern Affairs, thereby placing administration of Indian affairs in the north in the same department as Eskimo administration.

The Advisory Committee on Northern Development, under the chairmanship of the deputy minister of Northern Affairs, maintains the Northern Coordination and Research Centre based in Ottawa. This centre sponsors and conducts research on northern subjects, and maintains the Inuvik research laboratory. This facility is used as a base by numerous scientific groups for northern research programs.

The Northern Canada Power Commission is a federal government agency which reports to the minister of Northern Affairs through the deputy minister, who acts as chairman of the commission. The agency is concerned with the construction and management of public utilities on a commercial basis, and the federal Act under which it operates requires that projects which it undertakes be self-sustaining. In the Northwest Territories the commission operates three hydro-electric stations and seven thermal plants. The hydro-electric stations are in Mackenzie district, and were set up initially to serve

mining operations. The thermal plants produce electricity from diesel powered generators. At several locations other utility systems are operated by the commission. At Inuvik, for instance, the commission operates the utilidor system, with its steam, water and sewer lines.

In many of the smaller communities, the Department of Northern Affairs operates electrical generators independently of the commission. The Department of Transport also provides electric power in some settlements.

Northern Canada Power Commission had 125 employees resident in the Northwest Territories in 1965.

Northern Transportation Company Limited is a federal crown corporation operating a fleet of lake, river and ocean-going tugs, barges and ships in the western part of the Northwest Territories. It acts as a common carrier of freight throughout the Slave and Mackenzie River systems, Great Slave and Great Bear Lakes and, from a trans-shipping base at Tuktoyaktuk, by sea to western arctic DEW Line stations and settlements. Northern Transportation Company Limited is well known to all communities along these waterways. Unloading of freight provides considerable seasonal employment. Until the completion of the railway to Hay River, most north-going freight was handled through Bell Rock, the docking area adjacent to

Fort Smith. An increasing amount of freight now travels north by railway.

The company employs some 700 seasonal and part time employees in the Northwest Territories. The president and board of directors of the company report to the minister of Northern Affairs.

(b) Department of National Health and Welfare

The northern health service of the Department of National Health and Welfare is responsible for federal health programs, and under agreement with the territorial government discharges territorial health responsibilities with the exception of the territorial health insurance scheme (T.H.I.S.). This scheme, since its inception, has been administered for the territorial government by the Department of Northern Affairs. Certain hospitals and nursing stations in the north (the exceptions are municipal and mission hospitals) are built and operated by the northern health service. Not all communities in the north are provided with medical facilities; much use is made of chartered aircraft to transport doctors or nurses to outlying communities and to take patients to hospitals. The department operates the Charles Camshell Hospital in Edmonton, Alberta, where territorial residents receive specialized medical attention, and where many tuberculosis cases are treated.

Consultative services in public health engineering, epidemiology,

and maternal and child health are offered principally through travelling clinics and through engineering inspection and testing services.

A program of recruiting community health workers within the communities for special training appears to be meeting with success and acceptance by the indigenous peoples.

The welfare section of the department administers the federal programs of family allowances, family assistance, youth allowances and old age security, with the assistance of Department of Northern Affairs staff. Other programs of assistance to elderly, blind and disabled persons are shared with the territorial government. Assistance is given also to the territorial fitness and amateur sport program.

In 1965 the department employed 173 people in the Northwest Territories; its expenditures for that area in 1964-65 amounted to \$5,860,000.

(c) Department of Transport

The air services section of the Department of Transport provides in the north services similar to those which it provides in southern Canada. Through its four branches, civil aviation, construction, meteorological, and telecommunications, it constructs and operates airfields and terminals, provides weather data for

local, national and international use, provides radio communication services and radio aids to navigation, and promotes and controls public and private telecommunication services. A total of 421 full time employees were resident in the Northwest Territories in 1965.

The marine services section of the department consists of the marine operations and marine works branches. The operations branch provides sea transportation facilities for government agencies, aids to navigation, and ice-breaker assistance, through the use of Canadian Coast Guard ships and charter and commercial vessels. In 1964 over 100,000 tons of cargo were handled (this figure includes arctic Quebec), the bulk in the eastern and high arctic.

The works branch establishes and maintains marine aids to navigation along the Mackenzie water route, and throughout the arctic and Hudson Bay areas.

Over 1200 people were employed in 1965 for the marine services section as seasonal and part-time employees.

Total expenditures in the Northwest Territories by the department in 1964-65 were \$8,240,000; revenue stood at \$756,000.

The Air Transport Board is part of this department. Its activities are of interest to territorial residents because it is charged with the licensing and regulating of scheduled and non-scheduled air

carriers operating within and into the Northwest Territories.

(d) Department of Public Works

The responsibilities of the Department of Public Works are described in the publication of the Advisory Committee on Northern Development, Government Activities in the North - 1964, as follows:

Site investigations, planning, and construction of buildings, highways, and bridges for both public use and to meet the requirements to river routes and provision of wharves and harbour facilities as well as river bank protection. The planning and installation of sewer, water, and power services in northern settlements. The provision of architectural and engineering services to all government services as required. The acquisition, management, and control of government properties. The construction and management of federal housing in northern settlements. The development planning of townsites for larger settlements. Assistance in building research when required.

In 1964-65 the expenditures in the Northwest Territories of this department were \$10,547,000. Twenty-eight persons were resident as full-time employees, all in the Mackenzie district. Regional supervision is supplied from the offices of the district architects, located in major southern cities such as Edmonton and Winnipeg.

In the Mackenzie, road construction is supervised by the Department of Public Works; completed roads are maintained by the Department of Northern Affairs.

(e) Department of National Defence

In addition to their normal role of providing air, ground and sea defences, armed forces of the Department of National Defence carry out a variety of services of significance to northern residents. Naval forces operate two radio stations to assist shipping, participate in the manning of the Alert weather station, and assist in phases of the polar continental shelf project. The Army survey establishment assists the topographical survey, particularly in Arctic surveys. The Signal Corps operates the Alert station in conjunction with the Navy. The Air Force places gasoline and supply caches for the Army survey establishment and conducts spring and fall resupply operations into Resolute and other arctic weather stations. The Christmas mail airdrop to nearly 20 arctic settlements, which are cut off from other supply services at that time of year, is a service welcomed by the inhabitants. Air and sea search and rescue operations are conducted as required, and a survival school is operated at Resolute.

Canadian armed forces personnel in the Northwest Territories in 1965 totalled 354; departmental expenditures were \$1,558,000 for 1964-65.

(f) Department of Justice

Government Activities in the North lists the responsibilities of the Department of Justice as:

The administration of justice in the Territories, including the organization and maintenance of territorial courts of civil and criminal jurisdiction; the appointment of judicial officers, Justices of the Peace, Magistrates, Juvenile Court judges, and related personnel; the direction and conduct of court proceedings on behalf of the Crown, including prosecutions under the Criminal Code and the Territorial Ordinances.

There is a judge of the territorial court, a police magistrate, a sheriff, and a staff for the judicial system of four persons. The court is established at Yellowknife; sittings are held throughout the Northwest Territories. The court makes one major circuit in the eastern arctic and another in the west each year, travelling by aircraft. The police magistrate makes similar trips as required.

Justices of the peace are appointed in several communities and serve on a part time basis as required. The court of appeal for the Northwest Territories is composed of the members of the Alberta supreme court, together with the judges of the Yukon and territorial courts.

The 1964-65 expenditures of this department in the Northwest Territories were \$183,000.00; revenue totalled \$24,000.00.

(g) Department of Mines and Technical Surveys

The principal function of the Department of Mines and Technical Surveys is the gathering and publishing of scientific data in the geographic, geological, marine sciences and space science

fields. Technical officers of the department range over the length and breadth of the Northwest Territories; one branch or another is active in every season, but activity is greatest in the summer months. The geological survey maintains an office in Yellowknife. The geologist there maintains a close liaison with mining and exploration companies, prospectors, and visiting fellow officers.

The polar continental shelf project is carried out by this department.

Including all branches and projects, resident employees of the department totalled 20 in 1965; seasonal and part time employees swelled this number to more than 300.

Another service, which is not located within the Territories but is important to the mineral industry, is provided by the mines branch in Ottawa. This branch carries out a variety of functions, among them mineralogical studies and milling tests on ore samples.

The department spent \$3,800,000 in the Northwest Territories in 1964-65.

(h) Department of Fisheries

The conservation, protection, and development of fisheries are the responsibility of the Department of Fisheries. In 1965 the department had a staff of 16 full time employees resident in the Northwest Territories, all in Mackenzie district. Their base of

operations is Hay River, which is adjacent to the main commercial fishing grounds of Great Slave Lake. The Fisheries Research Board conducts surveys each year in various parts of the Northwest Territories to collect information concerning fish and sea mammal populations and other related scientific data.

The department collaborates with the Department of Northern Affairs in its efforts to control and expand sport and commercial fishing.

1964-65 departmental expenditures in the Northwest Territories amounted to \$169,000.

(i) Department of Agriculture

The Department of Agriculture operates an experimental station at Fort Simpson, and in 1965 employed six people on a permanent basis. Experimental plots have been started at Inuvik to test garden growth over permafrost. The department has conducted soil surveys in parts of the southern Mackenzie, notably along the Slave, Liard and Mackenzie Rivers. Botanical and entomological survey parties are placed in various areas from time to time, and advice is given to other government departments on agricultural matters on request. Expenditures and revenue for 1964-65 were \$72,350 and \$3,500 respectively.

(j) Department of Forestry

No departmental employees are resident in the Northwest Territories. However, five part time employees were engaged in forest inventory surveys in 1965. Responsibility for forest fire control in Mackenzie district, the only part of the Northwest Territories containing forest growth, is assumed by the Department of Northern Affairs.

(k) Post Office Department

The Post Office Department is responsible for the provision of an adequate postal service, commensurate with cost, for the Northwest Territories, using available transportation facilities. The cost of conveying mail to and from the Northwest Territories amounted to \$720,000 in 1963-64; \$673,000 of that total was spent on air transport. Thirty-eight employees were resident in the Northwest Territories in 1965, 30 of whom worked in Mackenzie district.

Mail service to communities lacking a post office is provided through the kindness of a variety of individuals: commercial charter aircraft operators, business men, government officials and missionaries. It is a northern custom for travellers to gather mail before commencing a trip.

(l) Department of National Revenue

The administration of customs and excise laws and the collection of income tax are the principal functions of the Department of National Revenue in the Northwest Territories. Customs offices at Inuvik and Frobisher Bay are operated by employees of other departments, working part time. Officials of the R. C. M. Police and the Department of Transport are appointed customs officers in some 16 other communities, principally for the purpose of clearing ships and aircraft.

In 1963, the last year for which figures are available, the total income tax collected from the Northwest Territories was \$2,363,000; in contrast the residents of Prince Edward Island paid a total of \$3,875,000. The indigenous people pay little income tax; the income level of the whites of the north is above the national average.

(m) Department of Labour

The Department of Labour functions from without the Territories; it is known to residents through training courses which it has sponsored in such fields as small business administration and fur grading, its municipal winter works and winter house building programs, and its role in industrial relations.

(n) Royal Canadian Mounted Police

The responsibilities of the Royal Canadian Mounted Police in the Northwest Territories are described as follows in Government Activities in the North - 1964:

The Royal Canadian Mounted Police remains the only law enforcement agency in the Yukon Territory and the Northwest Territories and is responsible for the enforcement of Federal Statutes, the Criminal Code, and Territorial Ordinances. In addition, the Force is responsible for policing the municipalities of Whitehorse, Dawson, Yellowknife, and Hay River as well as small areas of Northern British Columbia and the northern portion of Wood Buffalo Park in Alberta. The Force also performs a number of varied functions on behalf of other Government Departments and agencies.

The formal language of this statement outlines the duties of the force but does not describe the myriad activities in which its members are engaged and through which they are in contact with territorial residents. Their role in the larger centres in the Mackenzie is mainly that of supplying normal police services, but their activities in other smaller settlements continue to cover a wide field. They operate a radio communication system, dispense medical supplies when no other medical facilities are available, collect customs, operate their own air service, and register vital statistics. Patrols to outlying camps are still made by boat and dog team when necessary.

The Commissioner of the R. C. M. P. reports to the Solicitor General of Canada.

The government of the Northwest Territories has a financial agreement with the R. C. M. P. covering their police work. In 1965 the strength of the force in the Territories stood at 123; expenditures amounted to \$1,615,000.00.

(o) Canadian Broadcasting Corporation

The northern service of the Canadian Broadcasting Corporation was established in 1958 to provide radio broadcasting services to the north. Shortwave broadcasting is carried out from Sackville, New Brunswick, from a transmitter designed initially for broadcasting to central and south America but since modified to provide a greater northern (arctic) coverage. This shortwave service is particularly welcomed by northern residents because personal messages from people confined in southern hospitals, local news items, weather information and similar news form part of the regular programming.

Longwave, or normal, broadcasting is carried out from three major stations within the Northwest Territories and from Churchill, Manitoba. The station in Yellowknife feeds three automatic, unmanned stations called L. P. R. T's (low power relay transmitter) of the Mackenzie network. The power output of the base station is 1,000 watts. Other base stations are located at

Inuvik (1,000 watts) and Frobisher Bay (40 watts). These stations use local programming, tape recordings of national programs, and direct relaying of other CBC broadcasts received at the stations by telephone line or shortwave. Special time is given to local news and listings of forthcoming events. Broadcasts in Eskimo and Indian languages are undertaken.

The CBC employed 20 people in the Northwest Territories in 1965. This agency of the federal government receives its direction from the Secretary of State.

(p) Coordination

In 1948, the Advisory Committee on Northern Development held its first meeting to coordinate federal government activities in the north and to advise the government on northern development policies. It was chaired at that time by the deputy minister of the Department of Resources and Development, and later by the deputy minister of Northern Affairs and National Resources. Its membership includes deputy ministers of most departments with activities in the north, the secretary to the cabinet, the chairman of the Chiefs of Staff (Armed Services), the commissioner of the R. C. M. Police, the president of the National Research Council, the chairman of the Defence Research Board, and a permanent secretary.

2. The Territorial Government

The evolution of the territorial government is sketched in part B of this report. Its structure will be changed again when elections are held in September, 1966, for the first time in the new constituencies created in the districts of Keewatin and Franklin. The three newly elected members will join the present four elected and five appointed councillors, who, together with an appointed commissioner, form the legislative branch of the territorial government.

The council of the Northwest Territories sits twice a year. One session is held in Ottawa, usually in late January or February. At this sitting the appropriations are approved. The second session, usually a summer sitting, is held in the Northwest Territories at a different town or settlement each year. The average length of session is two weeks. The commissioner opens each session with an address in which he outlines the legislation to be introduced and reports progress since the last meeting. In their replies to the opening address, members have an opportunity to comment on items of concern to them, to commend or criticize the administration on its performance of their past instructions, to describe projects which they would like to see carried out, and to give notice of motions they intend to propose. The commissioner acts as chairman except

when the council sits as a committee of the whole, at which time it has become customary for a member to take the chair, with the commissioner continuing to sit with the council.

Members of the administration are called before the council-in-committee to answer questions concerning the particular legislation under discussion. Similarly, officers of various federal departments may appear when shared territorial-federal programs are being considered. Municipal officials and individuals who have prepared briefs for the council containing requests for financial assistance, changes in ordinances, and so forth, often attend council sessions and may be asked to appear to give additional information.

Under the Northwest Territories Act the territorial government has responsibilities in most fields of endeavour for which the Canadian provinces are responsible, with the principal exception of natural resources, which (apart from game management) have been retained within the jurisdiction of the federal government. Although the council has not entered every field open to it, its legislative activities nonetheless cover a broad sphere. The management of game, licensing of businesses, operation of a system of liquor outlets and controls on the use of liquor, labour legislation, taxation, construction and operation of a jail, and operation of a hospital insurance scheme are some of the council's concerns. Its work is

complicated by the absence of municipal institutions throughout most of the north. The territorial government must undertake many functions which are normally the concern of local school boards and councils. The Municipal Ordinance under which the two towns and one village in the Northwest Territories operate is one of the major pieces of legislation of the territorial government.

The complicated financial dealings which the council and commissioner must enter into with the federal government over shared programs, grants, and the like, increase the legislative load.

Until recently, the only territorial civil servants were employees of the Northwest Territories liquor system. In 1965, a full time deputy commissioner was appointed; prior thereto the position had been occupied by the chief of the territorial division of the Department of Northern Affairs. In 1965 the territorial council enacted a Public Service Ordinance; in July, 1966, territorial employees numbered approximately 50.

A comparison of the budgets of the territorial government for the years 1954-55 and 1965-66 reflects a considerable growth in territorial functions:

	1954-55	1965-66
Operating expenditures	\$1,201,364	\$9,640,400
Capital expenditures	\$1,334,771	\$4,746,383

3. Local Government

(a) Community Types

Before discussing present forms of local government it may be useful to comment on types of communities at present found in the north and likely to be established in the future. Problems arise when one attempts to categorize communities occurring in an area as geographically large and as socially diverse as the Northwest Territories. Many settlements are complex and fit, in part, into more than one category. Following are generalized types, with a few examples.

(1) Administrative

This community exists principally as an administration centre, lacking any other developed economic base. Its growth is tied to the growth of "government", and its population contains a high proportion of white civil servants. At the present time Frobisher Bay, Inuvik and Fort Smith are examples of this type, although each contains some elements of other types.

(2) Defence Service

DEW Line stations are typical examples of this type. Defence service communities are established to fulfil a particular defence requirement and as such are the most "abnormal", and, therefore, are the developmental types which most disrupt indigenous

inhabitants. They are likely to have a limited life and to be phased out when the defence requirement no longer exists. The employees imported to work at such places are on contract for a specified period; however, some take an interest in their surrounding area and quite a number return for successive tours of duty. Along the DEW Line Eskimos have been hired to work at some stations, and have settled their families in houses and shacks nearby. If the station does not happen to be adjacent to a settlement which pre-dates it, such as at Tuktoyaktuk and Cambridge Bay, the lack of schools and other services poses a problem. If the station closes, the new pattern of life is disrupted and the families must relocate.

(3) Traditional Resource Base

This type of settlement relies on a renewable resource base - hunting and fishing. Originally these settlements or camps were very small, with a population generally related by kinship and of a size that could be supported through hunting and fishing in the immediate area. This was particularly true of Eskimo settlements. Some Indian settlements were quite populous, but only at those in-between seasons when hunting and trapping were at a near standstill. With the advent of the school, nursing station, and other services introduced from the south, traditional resource base settlements have grown in size but have become fewer in number as hunting

camps have been vacated. Settlements of this type are in trouble because of population increases and growing scarcity of game. Some have been helped by the establishment of handicraft industries. Fort Wrigley, Pelly Bay and Pond Inlet are illustrative of this type.

(4) Non-renewable Resource Base

A community whose economic base is mining or oil production falls into this type. If a community is built around a single mine, its life is tied to the life of that mine. Indigenous people may or may not be part of the community. Generally its life is longer and more normal than that of the defence service type. The settlements of Tungsten, Discovery and Norman Wells are examples. Given a suitable location, a community of this type may expand its economic base through tourism, transportation facilities, and so on, as has been the case at Yellowknife.

(5) Complex

A few regional centres containing elements of each of the foregoing types are developing, and this pattern will likely continue. Transportation facilities, tourism and light industry add significantly to the economic base of such centres. May River and Yellowknife are examples.

(b) Present Forms of Local Government

At the present time five stages in the development of local government are recognized by the territorial government.

(1) Unorganized Settlement

Settlements with no apparent need for controls to promote orderly development other than those applied by the area administrator of the Department of Northern Affairs and the police fall into this category. An advisory committee of local citizens may be formed to give advice to the senior government official resident, but he is under no obligation to accept this advice. The committee has no financial responsibilities and no local taxes are imposed. By far the majority of settlements in the Northwest Territories fall into this category.

(2) Development Area

A development area may be created by the commissioner when he considers that the development of a settlement has reached the point where certain rudimentary controls are necessary to ensure orderly development. A site control or development officer is appointed, usually the person who is also the area administrator. If an advisory committee has not been formed before this stage is reached, territorial or federal administrators urge its formation. This committee has no official status and its formation is neither

outlined nor controlled by territorial Ordinance. The development officer attends advisory committee meetings but does not participate as a member.

At present, development areas in the Northwest Territories include Inuvik, Frobisher Bay, Enterprise, Norman Wells, and Pine Point.

(3) Local Improvement District

When the commissioner is satisfied that local conditions warrant local financial contribution toward the cost of local services, he may establish a local improvement district. The territorial government imposes taxes on assessed property at a level considerably lower than that for a village or a town. An advisory committee may be formed to advise the commissioner through the local administrator, but again it has no official status or power.

Fort Simpson is the only local improvement district in the Northwest Territories at present.

(4) Village

This classification is used in the Northwest Territories to designate a degree of self-government and self-sufficiency somewhat less than that of a town. It does not relate directly to the size of the community. It is the first real form of local government.

When the commissioner is satisfied that there are 50 ratepayers

in a community, or when he receives a petition for village status from 25 people of the community, he may create a village. Three out of six members of a village council are appointed, one of whom acts as chairman. The other three are elected by local residents. Taxes imposed are less onerous than those of a town; however, the jurisdiction of the village council is nearly as broad as that of a town.

Fort Smith is the only village in the Northwest Territories at the present time.

(5) Town

The senior level of local government in the Northwest Territories at present is the town. Its structure is similar to towns in southern Canada. Local residents elect a mayor and councillors. Their duties, and the functions of the town, are set out in the Municipal Ordinance of the government of the Northwest Territories. Taxation is imposed by the town, and financial assistance in the form of grants is received from the territorial government in much the same way as most provinces assist town and city governments. The town council assumes full responsibility for town planning and municipal development.

Hay River and Yellowknife are the only towns established in the Northwest Territories at the present time.

4. Non-Governmental Institutions that Relate to the Operation of Government

(a) Religious Institutions

Religious institutions have a long history of participation and influence in the life and development of the Northwest Territories. The Roman Catholic and Anglican Churches have been by far the most active groups, and missionaries from these two denominations pioneered the establishment of missions across the arctic and along the Mackenzie River. The Anglicans' strongest sphere of influence has been Baffin Island, the eastern arctic and the arctic coast west to Aklavik. The Roman Catholic Church's efforts have met with the greatest success in the west, particularly along the Mackenzie River and its tributaries, and around the Great Slave and Great Bear Lakes. Both churches have been active throughout the Northwest Territories and have adherents in all parts of the north.

Recently, other denominations have established churches in the north. In particular, members of the Pentecostal Assemblies have been active in the Mackenzie delta area, along the Mackenzie and at Hay River.

Church organizations have exerted considerable influence. With the establishment of missions came education, within limits,

at mission schools, for both Eskimo and Indian. The general policies of the Hudson's Bay Company and the R. C. M. Police were directed toward keeping the indigenous peoples on the land; contact with whites was kept to a minimum. The missions provided the first real introduction to the white man's way of life. Even the life of the white whaler, as seen by the Eskimo, was artificial because of the transient nature of the contact.

Local missionaries, together with Hudson's Bay Company employees and the police, were looked upon by the inhabitants as persons of influence. The whites accepted this role, and provided a benevolent form of local government and authority. Policies of the Department of Northern Affairs have been profoundly affected by the presence of church organizations, particularly in the establishment of the educational system that has replaced the mission schools. With the expansion of government services manned by administrators, the influence of the churches in the settlements and on the government may well be diminishing.

(b) Cooperatives

The establishment of community cooperatives in the Northwest Territories has taken place relatively recently, for the most part since the mid 1950's. Cooperatives have been organized to produce

and market local resource products and artifacts, and they have received strong support from the Department of Northern Affairs. Most cooperatives have been formed in unorganized communities, or those in the early stages of organization, and their operation is closely linked to that of the community advisory council. For this reason, in addition to their important economic role, cooperatives are strong forces in the education of the northern peoples in the ways of local government.

(c) Commercial and Labour Organizations

Organizations such as boards of trade, chambers of commerce and trade unions act to influence government at its various levels. In general, their efforts relative to government are directed toward the expansion of territorial legislation and the expansion or re-direction of federal government services. These organizations are much more highly developed in Mackenzie district than in the eastern arctic, where they are almost non-existent.

Of all the commercial organizations of the Northwest Territories, the Hudson's Bay Company has played the most important role in the development of government. The royal charter of 1670 placed control of the area drained by rivers flowing into Hudson Bay, to be known as Rupert's Land, in the hands of the Hudson's Bay Company. In 1821, when the company merged with

the North West Company, parliament gave control of what was then the North West Territories to the united company, subject to certain conditions. There followed, under the direction of Sir George Simpson, a period of exploration by company personnel which saw the arctic coast delineated and the fur trade extended throughout the Mackenzie and into the arctic.

The British North America Act of 1867 and the Rupert's Land Act of 1868 made provision for transfer of Rupert's Land (Hudson's Bay Company land) and the Northwest Territories (crown land) to Canada. The deed of surrender of 1870 permitted the company to keep its royal charter but reduced its trading privileges. The final transfer of lands took place in 1925, at which time the Hudson's Bay Company retained the privileges of a private trading corporation.

Throughout its history the company has affected the way of life of northern residents. The fur trade introduced a new economy to Indian and Eskimo peoples, and the Hudson's Bay Company trader in many areas was their first contact with the white man and his forms of government.

D. NON-GOVERNMENTAL PROBLEMS OF THE NORTH
THAT RELATE TO FORMS OF GOVERNMENT

As indicated earlier in this report, a number of special studies were commissioned, relating to the economic prospects of the north, the human resource development of the north, and the geography of the north. In addition, the Department of Northern Affairs & National Resources prepared for the commission a working paper entitled The Northwest Territories Today. These documents contain much valuable data relating to the question of the development of government in the Northwest Territories. Government, obviously, is concerned with people; and to govern a "land" is to govern the people in it. This part undertakes not to duplicate these reports and studies, but rather to sketch how the peoples of the north make a living, how they relate - or do not relate - to one another, and the way in which geographic and topographical characteristics affect their ways of life and their prospects. Much of the vital statistics are taken from the Report on Health Conditions in the Northwest Territories 1964 published by the Northern Health Service of the Department of National Health & Welfare (1965).

1. Social and Economic Problems

There are approximately 25,000 (est. 24,943 in 1964) people living in the Northwest Territories, an area of 1,304,903 square miles. There are more people living in cities like Lethbridge, Alberta, New Westminster, British Columbia, Brandon, Manitoba, Moncton, New Brunswick, Sydney, Nova Scotia, Corner Brook, Newfoundland, Timmins, Ontario, Drummondville, Quebec, or Moose Jaw, Saskatchewan, than there are in one-third of the land mass of Canada lying north of 60 degrees and east of the Mackenzie Mountains - a land mass nearly 14 times the size of the United Kingdom and over six times the size of France.

The people who live in the Northwest Territories fall into three general groups representing, roughly, three disparate cultures; some 6,000 Indians (24% of the population), who live almost exclusively in the watershed of the Mackenzie River and its tributaries (the community of Aklavik, at the mouth of the Mackenzie, lies farther west than Juneau, Alaska); some 9,000 Eskimos (36% of the population), who live mainly on coastal areas which stretch from the mouth of the Mackenzie north to Ellesmere Island (north of the magnetic North Pole - the island rarely is shown on non-technical maps used in the south) and east to the south-east tip of Baffin Island (the most easterly part of Baffin Island, Cape Dyer,

lies farther east than Halifax, Nova Scotia); and some 10,000 persons frequently referred to in statistics as "others" (40% of the population). These "other" persons consist of some 91% whites (about 36% of the total population) and 9% Metis, persons of mixed Indian and white ancestry. The Metis, like the Indians, reside in the west, which corresponds generally with the political unit known as Mackenzie district. Eighty-two percent of the whites live in the Mackenzie (62% live in five communities in the west) and 18% in the rest of the north.

As an approximation, about half of the white population are in government employment or are members of families the head of which is in government employment. The balance, approximately one-fifth of the total population, consists of persons who are privately employed or are members of families the heads of which are privately employed. Of those who live east and north of the Mackenzie, practically all are associated with the government service, the Hudson's Bay Company or the Roman Catholic and Anglican missions. The whites in the Mackenzie are a mixed group in terms of the way they earn their living. Some obviously are transients - the new nomads of the north - taking comparatively short term employment and regarding the north as a place to make a stake but not a home. The rest are mainly in enterprise, primary, secondary and service.

They are at present the dynamic element in the north, tending to dominate the councils of government, giving stability to the growth of the north, offering a high potential of leadership, and demanding change.

The Indians and the Eskimos of the Northwest Territories together compose 60% of the population. So far as their legal status is concerned, the rights of Indians are affected by a federal statute and a series of treaties; the rights of Eskimos, with whom no treaty has been signed (an exception relates to the Eskimos of Labrador), are those of Canadian citizens. But this is an arid statement of the status of these peoples within the Canadian constitution. It does not relate to their status within the economy and the society of Canada as a whole.

Both the Indian and Eskimo populations are in a process of transition. At one end of the spectrum are persons who know only or almost only the culture and the way of life of their forebears, who may not care to know or live the ways of the white man and who will probably live out the span of their lives predominantly in the context of their own traditions. At the other end of the spectrum are persons who know and understand the ways and values of the world outside and who may be content to be or become part of that world either in the north or in the south; they carry with them varying

degrees of influence from the culture of their forebears. The spectrum tends to relate to age, the older tending to cling to their traditional culture, the young absorbing the culture of the dominant influence on their lives, the ways of the white man.

The Indian people live not on reserves, as most of them do in the south, but mainly in settlements dictated by the early fur trade along the Mackenzie and its tributaries. They have been in close contact with the white man for generations longer than the Eskimo, and in the early years of such contact negotiated treaties (two principal treaties, numbers 8 and 11, were signed in 1899 and 1921 respectively) governing their relationship with the white man and his government. These treaties under the constitution of Canada may require for their implementation the passage of statutes by the parliament of Canada to give lawful effect to the rights, duties and privileges involved in them. Some Indians assert that not all claims under these treaties have been embodied in the law. This, among many others, is a major cause of hostility by the Indian against the white. Other causes appear to be lack of economic opportunity, social rejection, and physical isolation in communal enclaves where the Indian lives on the fringe of white dominated communities. Here he survives in a state of apathy and frustration, caused by a partial acceptance

or absorption of the white man's culture, a very limited acceptance into white society, and an antipathy to a wage economy. He lives near subsistence, in a poor white sub-culture, and in an irreversible state of dependence on the white man's way of earning a living, unwilling ward of the state and victim of custodial care.

A special problem within the Indian peoples relates to their separation into treaty Indians, non-treaty Indians, and Metis. The Metis is not an Indian, yet he lives in the manner of an Indian. The non-treaty Indian is an Indian who for a variety of possible reasons has opted out of the status of treaty Indian and renounced treaty rights. Within communities this disparity in status creates conflict, based in part at least on social discrimination and disparity of treatment respecting public welfare and the payment of treaty money. Our contact with the problem was clearest in Fort Resolution, where non-treaty Indians and Metis refused to accept the services of our white interpreter for the reason, so far as we could make out, that the local chief of the treaty Indians did accept him. Hostility was aggravated by the apparent recognition given to the non-treaty Indians because their interpreter sat alongside the commissioners: the same recognition was claimed by the chief, who located his chair, part way through the hearing, alongside the commissioners at the other end of the row. Arguments irrelevant to our inquiry broke out among the

treaty and non-treaty Indians and eventually we held two hearings, one attended by non-treaty Indians and Metis, using their interpreter, and one attended by treaty Indians and whites, using the interpreter who accompanied us. The need for a move in the direction of equalization of status is apparent.

Infant mortality rate (under one year of age) among the Indians in 1964 was 2 1/2 times the national rate. The death rate in the first four years of life was over four times the national average. The birth rate was 1 1/2 times the national average, and is falling slightly. Nearly one-third of Indian births in 1964 were to mothers who had at least six children. The crude death rate in 1964 was lower than the national rate. The average age of death in 1964 of those who survived infancy was 52.5 years; the national figure for all deaths, including infant mortality, was 61 years.

How does the Indian earn his living? The per capita income of the Indian people is one-sixth that of the national average. Some 72% of the income of the Indian population is earned, over half of it in trapping and guiding and in unskilled and clerical employment. The rest of his earned income is derived from forestry and fishing, skilled trades (less than 7% of his total income), handicrafts, and other occupations. Twenty-eight percent of his income is derived from "transfer payments" - pensions, treaty money, family allowances,

unemployment insurance and welfare.

As indicated earlier in this report, after the commission completed its tour in the summer of 1965 we caused to be posted in public places throughout the settlements of the Territories notices in English and in native languages, in the roman alphabet and in syllabics, inviting the reader to write the commission in his own language at the address contained in the notice. We received 73 letters from Eskimos; we received only three submissions from Indians. It may be that within the Indian tradition the people spoke through their chiefs. Two of the three submissions referred to above were from chiefs. In addition a number of chiefs participated in the public hearings and read formal briefs. Nonetheless we expect that the Indian will be much more cautious than the Eskimo of any offer from the white man of political opportunity.

The bulk of the Eskimo population live north of the tree line, which means as a generalization on the sea-coast east of the mouth of the Mackenzie River into Hudson Bay and north through the islands. The Eskimo traditionally were of two groups - those who made their living on the land and those who made their living on the sea. Today, for many reasons, including the reduction of the caribou population through many causes to one-tenth of what it was at the turn of the century (very recently the caribou have started to increase again),

very few Eskimo remain in the hinterland of the Northwest Territories.

Before the coming of the white man, the Eskimo lived in small, expanded kinship groups, knowing virtually no laws but the laws of nature and no political structure but a leadership determined by the ability to make shelter and get food (there is no native domestic source of meat north of the tree line except the emergency source of Eskimo dogs), judging virtually everything by the test of survival, a nomadic people of an oral culture, shunning the burdens of acquisitiveness. The white man induced him to trap for certain furs which he would never have considered pursuing for himself, their value being minimal by his utilitarian standards, and inadvertently induced him to live at or near settlements selected by whites not for their appropriateness as community sites but for their convenience to the fur trade. The Eskimo today tends to be drawn to communities by the presence of trading posts, missions, schools, hostels, nursing stations, access to transportation, government housing, and opportunities to earn wages. The way an Eskimo earns his living has gone through a period of comparatively rapid change. It has necessarily created social disorganization and demoralization. It takes a period of adjustment to induce a race who for thousands of years lived by the seasons to live by the clock.

Besides economic and social dislocations, the white man

brought the Eskimo new diseases. Apart from continuing, virtually endemic, malnutrition and pulmonary and venereal diseases, there have been recent epidemics: diphtheria in Eskimo Point and typhoid at Cape Dorset in 1945, polio at Chesterfield Inlet and in the barren lands in 1948, and measles in the western Arctic in 1950. The infant mortality rate among the Eskimo in 1900 was 50%, and today the death rate in the 1 - 4 age group is still 13 times the Canadian average. Nearly one baby in ten dies before it is a year old. The crude death rate is double the national figure; the average age of Eskimo death in 1964 of those who survived the first year of life was 32.2 years. The birth rate is nearly 2 1/2 times the national average; the population is now increasing at an annual rate of about 4%.

Data are available on the Indian and Eskimo populations combined, comparing amongst other things their economic prospects with those of the white population. Indians and Eskimos compose three-fifths of the potential labour force, but little more than one-third of the experienced labour force and less than one-fourth of the actual labour force. Only one-sixth of the potential Indian-Eskimo labour force is engaged in gainful employment, compared with over two-thirds of the potential white labour force. Even within the experienced Indian-Eskimo labour force, two-thirds are engaged in the comparatively unremunerative occupations of fishing, trapping and hunting. Of all

northerners engaged in hunting and trapping, 96% are Indian and Eskimo, 4% white. Of those performing managerial functions in the north 2% are Indian and Eskimo, 98% white. Over one-third of the potential labour force in the Northwest Territories have no formal education - these are mainly Indians and Eskimos - compared with 1.4% for all Canada. Today some 85% of the school age population of the north are receiving schooling at some grade, but this is the result of a recent and rapid increase in educational opportunity. Even here the commission saw a lack of balance between education and economic opportunity. Some young people of the north seem to be educated virtually into a state of unemployability. White man's education makes them dissatisfied to earn their living in the tradition of their forebears; yet they cannot find or keep employment in the white man's economy. As an illustration of what this can mean in terms of potential anti-social behaviour, we can report that one youth in a predominantly Indian village in the west blandly described himself to the commission as "an Akaitcho Hall drop-out" - Akaitcho Hall is the large residence in Yellowknife for the federal government school offering secondary and vocational education in the western Territories.

But the indigenous peoples of the north crave educational and economic opportunity. Parents favour educational opportunities for their children without fully understanding the implications, for at the

same time they wish to preserve their cultural heritage; and in their representations to us they asserted a preference for jobs to welfare. The annual income of the Indian and the Eskimo is less than one-sixth that of the white man; yet the cost of living in the north is substantially higher than in the south. As one writer stated, 10,000 people in the Northwest Territories live well; 15,000 live dreadfully. The economic consultants to the commission write: "Their [Indian and Eskimo] incomes are so low as to bring them within the scope of the 'poverty' problem of Canada and at the lowest and most depressed strata of that problem. This is true today and has been true for a long time."

2. Physical Characteristics

Two special studies, based on published and unpublished works and on personal observations, were prepared by and under the direction of the executive director of the commission. One is an atlas of the Northwest Territories, the other a book of descriptions of the 51 settlements which we visited. This section is to a large extent based on these working papers.

How does the physical environment influence the structure and execution of government in the north?

(a) Geographic Factors

Even to the casual student of Canada's north it is apparent that the scientific study of the land, although of long standing and of a particular fascination, is still far from complete. Research of the kind done under the auspices of the polar continental shelf program and the geological survey of Canada is much needed to arrive at a better evaluation of non-renewable resources. Studies by the Canadian wildlife service contribute not only to an evaluation but also to the conservation of the fauna. We envisage that these and similar federal governmental services will not only continue but expand and be assisted by personnel drawn from universities with northern interests and by private enterprise. Support of field studies by scientists willing to

carry their work into the north is now being given through imaginative programs such as the Inuvik research laboratory and the loan fund for mineral exploration.

The complex interrelationship of geographic factors is well illustrated by the recurrence of a boundary which may be referred to as the Inuvik-Churchill diagonal. The most obvious of the many spatial boundaries following, roughly, this northwesterly - southeasterly trending diagonal is the tree line, which in turn determines the distribution of fauna and the separation of indigenous peoples, the Indians preferring the treed country, the Eskimos living on the barrens. Various climatic parameters, particularly the 50° F isotherm, approximate the Inuvik-Churchill line and govern not only the distribution of trees but the occurrence of permafrost as well.

The shape of the continent is one determinative cause of the diagonal boundary. The precambrian shield, the stable backbone of the continent, has on its northern side an east-west boundary; its other two sides follow a northwest-southeast direction in the west and a northeast-southwest direction in the east, giving the continental block a roughly triangular or heart shape. This continental interior, flanked by the younger sediments of its border regions, determines the shape of the North American continent. As already noted, it also

affects land and life in the north.

(b) Size

The enormous size of the Northwest Territories, in relation to the rest of Canada and to population, is a fact dominating the enormity of the social, economic and political problems of the north. Yet size, or any other physical factor, cannot be taken in isolation from human values to determine whether the north should have a form of government divergent from that prevalent in other parts of Canada. On the administrative level, on the other hand, size alone or in conjunction with other factors creates difficulties for the execution of some governmental measures, mainly by increasing the cost of transportation and communication.

The Northwest Territories has a population density of about one person to 50 square miles. Such a low density is found in few other political units in the world; nevertheless, it is a characteristic which the Territories share with regions elsewhere. Some of the difficulties encountered in the execution of government in the north are not peculiarly northern in character.

(c) Global Position

The arctic circle, at north latitude $66^{\circ} 33'03''$, which passes from near Fort Good Hope through Repulse Bay to Cape Dyer, divides the Northwest Territories approximately in half. North of it the midnight

sun attains a position over the horizon. The high latitudinal position of the Territories is not as detrimental to occupation of the land as is commonly assumed, the polar night's darkness being not nearly so complete as many believe. When the sun is lowest the full moon is highest. Even half moonlight on snow yields illumination sufficient for hunting and travelling activities. The northernmost part of Norway, where high latitudinal position combines with a maritime, moist, temperate climate, is permanently settled and an all-weather road leads to the North Cape and the Arctic Ocean. Factors other than global position (mainly climatic but also topographic) have prevented a similar development in the northern half of the Northwest Territories.

(d) International Position

After the beginning of the second world war the position of northern Canada relative to that of neighbouring nations underwent vast changes leading to a greater importance than was thought possible fifty years ago. With this shift in outlook went some tangible changes. The construction of the Distant Early Warning Line influenced the lives of the people in the Northwest Territories more than any other. Further technological advances have now made the DEW Line in part obsolete, and it is by no means certain that the present crucial international position of Canada's north will be maintained in the future.

How technical progress can change the importance of the position factor is further illustrated by the introduction, some years ago, of jet aircraft capable of flying from North American centres to Europe without making refuelling stops in northern Canada. During the brief interval between the end of war and the coming of the jet age, such stops were a common occurrence.

Decisions taken elsewhere and without consultation of the people in the Northwest Territories may bring about profound changes in their lives almost overnight. Because of the small number of residents and the large percentage who may be involved, these changes can be expected to be more disruptive than in the more densely populated parts of Canada where alternative solutions can be found more easily.

The position of various parts of the Northwest Territories with respect to world markets is crucial. Here again the importance of the position may vary in time with changes in technology and, moreover, with fluctuations in economic demand. There is little doubt that if the iron ore deposits of Mary River, Baffin Island, had been located in, let us say, Minnesota, it would have been mined out many years ago. Positioned as it is, a complex interrelationship of physical geographic factors must be considered before a decision can be made as to the feasibility of extracting the ore and shipping it to market. Some of the variables

in this equation are functions of time. A remote decision in the anticipated European market as to the acceptability of direct shipping ore may bring about profound changes in the economic possibilities for the Eskimo residents of Pond Inlet. A technological advance which would preclude the use of untreated iron ore, on the other hand, may make profitable mining impossible and consequently may perpetuate the present economic stagnation of northern Baffin Island.

The danger of singling out one geographic factor, such as position, in any comparison between two regions is well shown by the frequently drawn analogy between the Russian north and our own. Any conclusions based on position alone, leading to comparisons in economic advancements, standards of living, levels of education and other similar matters between the two countries, are likely to give wrong impressions because they ignore fundamental differences. That the Russian north has several major rivers flowing to the Arctic Ocean whereas the only navigable river in the Northwest Territories is the Mackenzie, that the trans-Siberian railroad lies south of the limit of continuous permafrost and is thus more closely comparable as an engineering feat to the construction of the Canadian Pacific Railway across Canada at the end of the last century than to the railroad leading to Churchill, are only two of many differences that should be taken into consideration in making comparisons.

(e) Position in Canada

Canadians resident in that part of the country which borders the United States are inclined to use terms such as "the north", "northern Canada", "up north". Conversely, "northerners" speak of "the south", "southern Canada", or the "outside". These sets of vaguely defined but convenient terms separate that part of the country where agriculture is a dominant economic pursuit from where it is not. Yet inhabitants of other countries have long regarded the whole of Canada as "northern". They are unaware of any division into "north" and "outside" which cuts across the political units of the provinces. It is only recently, principally after the second world war, that Canadians came to look upon the "north", particularly the Yukon and the Northwest Territories, as an integral component of their country.

Few yet realize that the southern tip of the Northwest Territories in James Bay reaches deep into the heart of the country and lies at approximately the same latitude as Calgary, Alberta, and south of Saskatoon, Saskatchewan.

The north is Canada's neglected backyard. Graphic evidence can be found in almost any school in this country, where geographic maps fail to show the northernmost part of the Canadian arctic archipelago. This may be a minor annoyance in southern Canada,

where it merely fails to inform the student about his own country. But the same "Map of Canada" hangs on the wall of the northernmost school-house in North America, proudly flying the Maple Leaf, in Grise Fiord, Ellesmere Island, a place the map does not show. To northern residents the fact points to an attitude of indifference on the part of outsiders which is an irritant to northerners. Indeed, to the northerner one of the troubles of the "north" is the "south".

(f) Geology

Two main divisions of bedrock geology can be recognized in the north: the precambrian shield and the border region of younger sedimentary rocks. The bedrock geology not only exerts a fundamental influence on many geographic factors because it determines the shape of the continent, but also affects the lives of people in the north directly. The mineral resources of the bedrock constitute the greatest economic potential: oil and gas in the off-shield rocks only, metallic minerals in the precambrian shield region and in the border region.

The evaluation of non-renewable resources in the Northwest Territories is by no means complete, despite the considerable work done in the past. As more and more ground is covered, methods used in exploration increase in sophistication and require greater expenditures. The first productive oil well at Norman Wells

was drilled in 1920 on little more evidence than the presence of oil seeps. In 1965 a deep test on Richards Island in the Mackenzie delta was conducted in an area far from any surface indications of petroleum but after complex and expensive geophysical studies had been carried out. Aeromagnetic surveys, done under contract to the geological survey of Canada, aid the modern explorers of the precambrian shield area. The days of the lone prospector, paddling his own canoe, equipped with little else than a pick and gold pan, are numbered, and his chances of finding any resource of significance are slim. To train indigenous people for this kind of work, rather than for technical participation in a group engaged in resource evaluation, is unrealistic. In the exploratory stage the petroleum industry requires trained personnel for seismic surveys; in the evaluation stage of a hard-rock prospect, diamond drilling has to be done. In these and similar ventures the inhabitants of the north should participate.

Even though a definite appraisal of resources is not at hand, the Northwest Territories should be regarded neither as a land of unlimited wealth nor as a piece of worthless real estate. Furthermore, the position of wealth relative to other parts of Canada is subject to change with time. The definition of the term ore is purely economic; what is sub-ore today may become ore tomorrow. Ore is any rock

mass that can be worked at a profit for the extraction of a useful metal. Any such mass may pass from sub-ore to ore with increased metal prices, with changes in metallurgical techniques, transportation, access to markets, or even with subsidies, which is the case with most gold mines. There are also untold riches in the sea: the total amount of gold in sea water, where it occurs as a trace element, may well exceed that found on land, but so far no economical way of extracting it has been found. It is not the mere presence of a resource that determines its worth, but its concentration, its location, and many more geographic and economic factors.

The life of people in the north is also influenced by the most recent geological history of the land. The most important event in this respect was the Ice Age. The amelioration of the climate, which caused the disappearance of the continental glacier that had covered most of northern Canada, made the immigration of the indigenous peoples possible. The higher sea and lake levels which prevailed after the melting away of the ice left recent marine deposits on inland areas back from the present shoreline. On these abandoned beaches excellent air strips have been built in places. At Igloolik the migration of the Eskimo people from higher areas occupied by older cultures to lower levels at which the more recent occupants had their camps can

be followed through the archaeological record. The absence of soil over large parts of the north is the result of the removal of earth materials by the glacier, the short time that the land has been free of ice, and the slow rate of soil-forming processes in a still cold climate acting on rocks that do not easily decompose by weathering. Over large parts of the north it is this absence of soil, rather than the prevailing climate, which makes agriculture impossible.

(g) Physiography

With the introduction of systematic aerial photography after the second world war the era of geographical discovery of unknown lands came to an end. In 1948, Prince Charles Island, about the size of Prince Edward Island, was put on the map of Canada for the first time after having been spotted on air photos of Foxe Basin, a part of the arctic previously unvisited by sea travel because of persistently unfavourable ice conditions. The spectacular gypsum piercement domes on the Sverdrup Islands were mentioned in the literature for the first time even later, in 1951, again after they had been discovered on aerial photographs. Although, therefore, the land and its major forms can be said to be known, much topographic surveying needs still to be carried out. Many parts of the Northwest Territories lack adequate contour maps, an important tool for mineral exploration, engineering studies, or air travel. As in other

parts of Canada, the task of making topographic maps covering areas larger than settlements is being done by the surveys and mapping branch, Department of Mines and Technical Surveys.

The Canadian arctic archipelago is sometimes compared to other configurations on earth, notably the Indonesian archipelago. This analogy is based on form only, as a consideration of other more important geographic factors will demonstrate. It is a useful exercise only in that it shows the necessity of weighting physical and biological factors in any comparison. In this case, the climatically different settings should receive prime attention, the climate being responsible for such other important differences as the ease of sea transportation in Indonesia, the difficulty of shipping in the ice-bound arctic waters. Consideration of only one geographic factor and the ignoring of complex interrelationships will invariably lead to invalid comparisons.

The physiography of the Northwest Territories also clearly demonstrates another principle of geography: some parts of earth are uninhabitable except for short-term occupation. About 60,000 square miles of the Northwest Territories are covered by glaciers. Rugged mountains stretch along the western boundary of the Territories; they cover most of Ellesmere Island, and parts of Baffin Island. Although technical advances have made it possible for man to cross the Greenland ice-cap, to traverse the Antarctic continent, to live

for weeks on the bottom of the sea, to ascend Mount Everest, and to think about setting foot on the moon, some regions on earth are close to the physical limits imposed by nature. To a degree these limits can be extended, and to do so presents a challenge accepted by the adventurous. It can be done, however, only at a cost and effort beyond what may be regarded as acceptable. Once again, therefore, economic considerations, a measure of what is worth doing, may impose limitations before the absolute physical limitations are reached.

Compared to the effects of the major landforms and the severe difficulties they impose on life, the minor, typically arctic, landforms can be regarded only as a nuisance. Nevertheless, such features as patterned ground may raise the cost of erecting houses on an otherwise suitable site. The presence of permafrost over most of the Northwest Territories makes it practical to dig permanent food freezers out of the frozen ground. It is not practical to dig sewers or septic tanks or graves. Public utilities that are taken for granted in the south do not exist in most communities of the north. Where they have been installed, as at Inuvik, it has been at considerable cost, a cost too great to be borne by some inhabitants who are left without utilities unless they are aided by public funds.

(h) Climate

Of all northern geographic factors, the prevailing climate comes first to the mind of the average inhabitant of more temperate latitudes. It is mainly the characteristic of long winters, and short, cool summers. Other climatic characteristics, such as low precipitation, are less well known. Even less familiar to the southern Canadian is the climate-induced presence of permafrost.

Any generalization about the climate of such a large area as the Northwest Territories, beyond that of subarctic in the Mackenzie, arctic in the rest, is bound to be misleading. We experienced significant differences from one area to another and temporal fluctuations in one place. One's evaluation of such an elusive phenomenon as "the weather of the Territories" depends not only on the actual temperature, wind strength, moisture, sunshine and other factors, but also to a large extent on one's own attitude toward them. The arctic is neither friendly nor inhospitable at all times to all persons.

Regardless of any personal evaluation of the northern climate, this factor poses some severe physical limitations to human habitation which have been overcome only through the ingenuity of man. Long ago, the native inhabitants learned to live in the country by inventing suitable clothing and shelter. The opportunities for travel by aircraft have been greatly extended with the use of de-icing equipment. The

visibility hindrance imposed on ships by fog has been reduced by radar. Ice conditions are reconnoissanced by helicopter. The recent hovercraft trials were held to investigate the usefulness of a new means of transportation during break-up, a time when other vehicles and aircraft are limited in their operations.

The detrimental influence of climatic and atmospheric conditions on radio communications have long been a subject of intensive investigation. Radio plays a much more important role in the daily lives of people in the north, where it frequently carries personal and important messages, than it does in the south. It is envisaged that radio will become a major means of communicating matters relating to the educational and political life of the north. Yet, it is in this high latitude region that technical difficulties, such as black-outs, are most frequently encountered. Major improvements in communication systems have been made, the most notable example being the development of the tropospheric forward scatter technique. Economically, however, these changes have not yet been brought down to the prevailing income level of the native population.

To assert that because of technical changes Canada's north will show a significant increase in population density is unrealistic. The prevailing climate and absence of soil over most of the Northwest Territories combine to make production of food on land a negligible

contributor to the economy of the north. Yet this is the most basic economic factor necessary to sustain high population densities, as any map of the world's population will show. Man may not live by bread alone, but without bread he is hard put to live at all.

The gloomy predictions made by Captain Palliser in the middle of the last century for the future of the southern prairies of the Canadian west are often quoted by northerners to show that adverse climatic conditions can be overcome and that Palliser's unfavourable evaluation was wide of the mark. By analogy it is then implied that if anything but a bright future is foretold for the north a wrong prognosis is being made. However, this analogy falls far short of a fair comparison as it omits some fundamental differences, among which the absence of soil is only one. Moreover, Captain Palliser was wrong not in principle but in degree, as far as his evaluation is concerned. The southern parts of the provinces of Alberta and Saskatchewan, within his now notorious "triangle", although by no means parts of a great American desert, are agriculturally the least productive and consequently are populated by fewer people than the surrounding areas where more favourable climatic conditions prevail.

Climate is not a constant factor: it changes in time. More than 200 million years ago, corals grew in the then warm waters of

the Arctic. The reefs these corals built can still be seen in central Ellesmere Island. Trees were not always absent from areas now barren. Coal deposits of Tertiary age show large trunks of trees that grew in place. But more important than changes through the geologic ages are the minor, short term changes within the time of human occupation. Historical evidence shows that the abandonment of early white settlements in Greenland was caused by a deterioration of the climate and consequent changes in the distribution of plants, animals, and the indigenous peoples, affecting a chain of complexly intertwined relationships. More recently, the change in temperature of the waters surrounding that country brought about an important alteration of the economic pattern: many Eskimos are now engaged in fishing for cod which was previously limited to more southern waters.

Although it is possible that short term climatic changes may affect the lives of the people in the Canadian north, it is not yet possible to predict the direction such changes will take or to alter them by human intervention, notwithstanding some proposals that have been made to do just that, such as building a dam across Bering Strait. A realistic appraisal of the economic potential of the Northwest Territories must regard the climatic factor as constant within the foreseeable future.

(i) Flora and Fauna

That the western half of Mackenzie district has trees, whereas the districts of Keewatin and Franklin are barren, is undoubtedly the most important vegetal characteristic. The treeline, which starts on the western border of the Territories at approximately 68 degrees north latitude, runs eastward along the north shore of Great Bear Lake, thence south-eastward past the end of the east arm of Great Slave Lake, and trends south and east to a point just south of Churchill, Manitoba, is such a striking feature that it is shown symbolically on the field of the armorial bearings of the Northwest Territories where it separates the lower left part representing the green Mackenzie valley from the vivid red upper right half symbolizing the tundra.

As one travels throughout the Northwest Territories, the diversity in landscape of the various parts of the country becomes apparent. Of these divergent landscapes the tundra and the rock deserts of the high arctic are the most unfamiliar to the outsider. South of the treeline the landscape is no longer strange. There is some expectation of agriculture and forestry in the Mackenzie valley, there is power potential, water is near at hand, and from Yellowknife, on the north shore of Great Slave Lake, west to the Yukon border and south to Fort Smith normal public utilities can be put in the ground.

The potential for a diversified economy is greater south of the treeline than it is north, but the greatest potential in terms of natural resources is still minerals as symbolized by the billets of gold in the green field of the Mackenzie valley on the shield of the Northwest Territories. South of the treeline the winters are shorter, but it is a factor affecting a decision to live in the north that they are still longer than those experienced by persons living close to the 49th parallel.

The availability or absence of wood for construction and fuel has a profound influence on the lives of the people in the north. This was brought home to us when we stood around a wood stove in the log cabin used as a community hall in Fort Norman, a few weeks after having sat in prefabricated plywood schoolhouses which had been shipped to the eastern arctic and which were heated with imported fuel oil burning in space heaters. Martin Frobisher, on his third visit to Baffin Island, imported the first prefabricated house as long ago as 1578; but the people of the eastern arctic have been exposed only comparatively recently to construction materials originally foreign to them. Their traditional sources of heat also were replaced only a few years ago by fuel brought in from the outside. To the Indians these changes have not come in nearly so drastic a fashion. Although for them, too, oil now plays an important part in their lives, wood continues to be burned as it was of old. Their tents used

on hunting trips were for centuries supplemented by more substantial dwellings in the settlements, built with locally available timber.

That the rate and intensity of change brought about by the white man's contact with the indigenous peoples was much greater for the Eskimos living in a cold, barren land than for the Indians who inhabited a treed country not substantially different from the environment in which the white man's culture had developed and to which he was adjusted, is further illustrated by the history of the fur trade in the eastern arctic. Although sporadic trading contacts had been made with the Eskimos for some time, it was only in the beginning of the present century that the fur trade demanded an expansion into the arctic to obtain the white fox. With the coming of trading posts, Eskimos were enticed to hunt an animal previously ignored as having no food value and unsuitable for their own clothing requirements. The economic importance which the white fox acquired in a short span of time is expressed in the shield of the Northwest Territories where a mask of the animal is shown in the part representing the tundra.

The Indians, on the other hand, have hunted and trapped for the white man for centuries, ever since the Hudson's Bay Company moved into their territory in 1670 and requested skins of animals - mainly beaver, and to a lesser degree muskrat - with which the Indians were thoroughly familiar.

Mammals living in the seas adjacent to the land of the Northwest Territories are hunted almost exclusively by Eskimos. Although some Indians live near the Arctic Ocean in the Mackenzie delta they are not a sea-oriented people; however, with the exception of the relatively few Inland or Caribou Eskimos, the lives of most Eskimos are much influenced by the ocean. Inventories, conservation and governmental control of marine resources therefore loom large for the coastal areas in any economic development program. The inhabitants of the treed inland area, dependent as they are on the land rather than the water, may not be inclined or equipped to deal with these problems on the political level, unless they come to appreciate the diversity of the land and people within the boundaries of the Northwest Territories.

(j) The People

In the sparsely settled north the influence of man on his physical environment is considerably less than elsewhere on earth. Conversely, the physical environment plays a greater role in the daily lives of the people than in the urban centres located in more temperate regions. It is also held by many observers that the physical environment left its stamp on the people who in time acquired certain character traits which stood them to advantage in their migratory life. The high values set by Eskimos on skills in hunting,

the low esteem in which possessions are held, their considerable generosity expressed in sharing, and other similar traits are often mentioned in this respect. Although this may be true for the indigenous peoples who have inhabited the north for many centuries, it is equally true that the harsh environment tends to draw people from elsewhere already equipped with a psychological constitution fit to withstand that environment. The history of exploration by whites shows that the country tended to attract certain types of persons conditioned to do battle with nature and who went north for no other reason than "because it is there". Although this historical phase of exploration for exploration's sake has come largely to an end, persons now in government service and performing specific tasks are embodied with a similar spirit. The north is viewed as a challenge by those who make their own decision to go there.

It should not be assumed that the physical environment of the north induces or attracts only favourable human characteristics. The effort required to live in a small arctic settlement, which is greater than that in a more highly organized urban environment, may breed an attitude of despair or indifference. Hindrances of transportation may not only cause the postponement of a trip, they may sometimes be used as an excuse to cancel it. Letters or messages may not be sent or answered because of imagined rather than real difficulties.

The execution and administration of government is saddled with more physical limitations in the north than in the south, but this situation is compounded by the attitude toward these difficulties by some of the inhabitants.

The most outstanding characteristic of the settlement pattern in the Northwest Territories is its pinpoint development. People live in small settlements, or even in less permanent small groupings, separated from each other by what are, for southern Canadians, incredibly large distances. The conflicts of interest in the choice of a site for a settlement are more apparent in these communities than in areas of denser population. What suits the Department of Transport as a site for the location of a meteorological station may not be acceptable to the Eskimo hunter, who nevertheless, because of the amenities offered in a modern centre equipped with transportation and telecommunication facilities, a school, and a mission, decides to establish himself where there is this nucleus of a community.

Changes in the settlement pattern with time are common and disruptive. Northern settlements are characteristically impermanent. The history of occupation of the Mackenzie valley shows the frequent relocation of trading posts and consequent shifts of the small communities. In the eastern arctic too, people have abandoned places, established new ones, and migrated from one place to another with a

frequency unheard of in other parts of Canada. Some of these moves were dictated by the necessity to bring the population in balance with the economic resources available in the area. Others were brought about by considerations outside the sphere of interest of the inhabitants of the country. Whatever the cause may have been, many changes have been made without consideration of the complex interrelationships of geographic and economic factors.

(k) Government

There appears to be an inverse relationship between the importance of the physical and biological characteristics of the land and the level of government. At the federal level of government the common bond between all Canadians is practically independent of the diverse geography of the country. It lies in political values. That this country in all its parts can call itself a democracy is based on its history and that of western Europe. The basic principles of our political life are not dependent on the character of the land. Yet at the lowest or community level, geographic factors cut deeply into the lives of the residents. The factors determine whether it is possible for the people to achieve more than a mere subsistence, whether houses can be equipped with toilets, whether people can communicate with their fellow men elsewhere. And the character of the land has a great bearing on the administration and execution of government.

E. ALTERNATIVE PROGRAMS FOR POLITICAL DEVELOPMENT

Forms of government do not exist for their own sake: they are meant to bring about, through a political process, the solving of social and economic problems and the pursuit of values of a more general nature. Ideally, political institutions should be functional, that is, adapted to the circumstances in which they come into play. One must therefore consider not only forms of government but also who and what there is to be governed and the conditions with which a government of any form is likely to have to deal.

A review of these non-governmental circumstances, and the expression of some of those values, are offered in parts D and F. This part considers the alternative types of political institutions or the various forms of government from which might be chosen that which is best suited to the circumstances now prevailing in the Northwest Territories. Most classifications of types of political institutions give rise to considerable arbitrariness. The one which follows has no purpose other than to allow an orderly discussion of matters relevant to the commission's terms of reference.

Alternative forms of government may concern either various constitutional structures of political institutions or the territorial area upon which political institutions of any given form would impinge.

1. Alternative Constitutional Forms

As Canada has a federal constitution, our purpose may be served by drawing a broad distinction between traditional forms of government implementing or tending to implement the federal principle and, for Canada, the non-traditional unitary type of administration. Within the traditional forms of Canadian government, one may differentiate between the present status of the territorial government, full provincial status, and quasi-provincial status. Finally, each of these constitutional structures may lend itself to various important internal forms such as parliamentary or presidential traditions of government.

(a) Traditional Forms: The Federal Principle

(i) Differences between the Present Status of Territorial Government and Full Provincial Status

The list of legislative powers of the territorial council suggests that there are numerous similarities between territorial and provincial forms of government. Dissimilarities are such as to amount to differences in nature.

(A) Relationship to the Federal Government

The federal parliament generally cannot add to or subtract from the jurisdiction of provincial legislatures. The central and the provincial governments are coordinate authorities under the supremacy

of a federal constitution which may not be amended unilaterally in Canada. The territorial government, on the other hand, can act only by delegation from the federal parliament of which it is the statutory creature. Parliament retains the power to increase, decrease or cancel the delegation or to modify the composition and structures of territorial institutions. The territorial government, therefore, is not coordinate with but subordinate to the central government. It constitutes a measure of administrative decentralization, but in a form which, for a number of reasons, tends toward the federal principle: the jurisdiction of the territorial government is being progressively increased, the jurisdiction is being strengthened by institutions the representative character of which is being gradually accentuated, and the type of powers which are bestowed upon it correspond generally to the type already possessed by the provinces. This conformity with our federal pattern is the more significant since the federal parliament, under the British North America Act, does not appear to be bound by the prevailing provincial model in modifying the territorial constitution: it could, in theory, choose to delegate to the territorial government classes of powers which the constitution withholds from provincial governments and thereby establish an allocation of functions quite foreign to that which prevails in the south.

(B) The Executive Branch of Government

The section of government where the differences between provincial status and the present territorial status are probably the most striking is the executive branch.

A provincial government is headed by a lieutenant governor who, although he is appointed by the federal government, is the representative of the Queen in the province. Provincial governments are, in a sense, royal governments; they participate in the sovereignty of the monarch. In practice, this places at the disposal of provincial executives royal prerogatives, powers and privileges.

According to constitutional custom, the lieutenant governor acts upon the advice of an executive council or provincial cabinet headed by a premier and composed of several ministers all or most of whom are elected members of the legislative assembly. Through the agencies of provincial departments and a provincial public service, the ministers administer the government of the province, being severally responsible to the premier, to the cabinet and to the legislative assembly, and jointly responsible to the assembly and to the people. Provincial governments are fully responsible governments.

Last, but not least, the seats of provincial governments are located in the provinces in places determined by the provincial executives, and provincial governments own the natural resources within the provinces.

The territorial government is headed by a commissioner whose status is not free from ambiguity. Although he is given by statute the executive powers that, before the 1st day of September, 1905, were vested by any laws of Canada in the lieutenant governor of the Northwest Territories or of the Northwest Territories in council, in addition to the powers he holds under the Northwest Territories Act, his very title suggests that he is not a representative of the Queen but is a federal officer. Indeed, until recently, the commissioner of the Northwest Territories was at the same time deputy minister of Northern Affairs and National Resources; the two functions have now been separated, and the commissioner must, by statute, act according to instructions given by the governor in council or the minister.

In the discharge of his executive functions, the commissioner is neither advised nor assisted by any territorial minister, executive council or cabinet, not even in an embryonic stage, as the advisory committee on finance of the Yukon government. The commissioner is his own premier. He may, in fact, be helped and advised by the deputy commissioner, who is appointed by the governor in council;

but the deputy commissioner's functions, according to the letter of the Northwest Territories Act, seem to be functions of replacement of the commissioner when the latter is absent or when his office is vacant.

Although the council of the Northwest Territories in 1965 adopted a Public Service Ordinance, the territorial executive has at present only a small nucleus of civil servants beyond those employed in the territorial liquor stores. It follows that, even for territorial purposes, the administration of the Northwest Territories must be carried by the federal civil service. A complex situation has developed whereby specific federal responsibilities - for instance national defense or transport - are assumed by the respective federal departments or agencies; mixed federal-territorial responsibilities - for instance health or agriculture - are assumed by other specialized federal agencies; and the residue of duties which in the south are usually provincial - for instance, education, social security and welfare, roads, town planning and municipal services - are discharged by members of the Department of Northern Affairs. This department also has, by statute, responsibility for coordinating all federal activities in the north, but is given few specific powers to carry out the responsibility and can be given few unless it is to be placed in a position of formal preeminence in the north with respect to

other departments.

So long as the commissioner of the Northwest Territories was also deputy minister of Northern Affairs, many federal civil servants having territorial functions in the north were accountable to him in one or other of his capacities; and he could, to some extent, be held answerable to the territorial council for the effective implementation of territorial policies. It was unavoidable in the long run, in order to confer greater autonomy on the office of commissioner, that it be detached from the office of the deputy minister, an event which occurred in 1963. But whatever the reason for the change, it is doubtful that it has had the effect of increasing the authority of the commissioner. His instructions to federal civil servants may conflict with those received by them for the implementation of other federal programs. Some federal officers must try to serve two masters. Even if political conditions were favourable to a degree of control by the council of the Northwest Territories over the executive, the commissioner, himself a federal civil servant of limited direct authority over the service, could not be held responsible to the council for efficient and expeditious execution of territorial policies. Moreover, because the staff cost of the federal civil service discharging territorial duties forms no part either of the territorial budget or of the federal-territorial financial arrangements, there is a risk that

the territorial council may adopt programs without full knowledge of their financial implications, and that territorial priorities may be delayed or hampered by federal policies. The territorial government, lacking the effective tool of an autonomous public service, cannot function as a responsible government.

In other important respects the territorial and provincial executives differ. The commissioner holds no power of dissolution over the council of the Northwest Territories, such power being reserved to the governor in council. Although there are substantial administrative establishments in the north, the seat of the territorial government is not situated in the territories but in Ottawa, where the commissioner resides, and can be changed only by the governor in council. Finally, the natural resources and public domain remain vested in the Queen in right of Canada, although the beneficial use of a small part is appropriated to the Territories by section 40 of the Northwest Territories Act.

(C) The Legislative Branch of Government

As between territorial and provincial legislative branches of government, there are more differences in composition, designation and status than in functions and powers.

Provincial legislatures are entirely elective, with the exception of the upper chamber of the legislature of Quebec. Elections

are fought by organized political parties. In most cases the political party that wins a majority of seats forms the government, and another major party becomes the official and institutionalized opposition. Provincial legislative assemblies are chaired by elected speakers; the lieutenant governor does not sit in the legislature except on rare formal occasions. Provincial assemblies count amongst their members all or most cabinet ministers over whom the assemblies are capable of exercising control.

The council of the Northwest Territories, in spite of a name that might suggest executive functions, exercises powers that are principally legislative. As of September, 1966, five of its 12 members are to be appointed by the federal government; indeed, until then, a majority of the council (five members out of nine) were appointed. Every council has a maximum duration of three years; provincial legislatures have a maximum duration of five years, although by constitutional tradition most legislatures are dissolved within four years. The council is chaired by the commissioner although, in practice, members take their turn in the chair when the council sits in committee. It is not governed by party politics; some of its members often criticize the administration, but critics are not necessarily in a position to provide an alternative government and it cannot be said that there is an official opposition in the traditional sense of the word.

The decrees of the council are not called statutes but ordinances. It is very much open to doubt whether the council either has, or is in a constitutional position to confer upon itself or its committees, the usual parliamentary privileges. It has been debated whether provincial legislatures were true parliaments; but such a question could probably not be raised at all with respect to the council of the Northwest Territories. Although it is higher in political dignity than a municipal body, one might find in southern Canada city councils which are more powerful and influential than the council of the Northwest Territories.

The council's legislative jurisdiction, however, is not markedly lesser than the legislative powers of a provincial legislature; section 13 of the Northwest Territories Act - "Legislative Powers of Commissioner in Council" - clearly was inspired by section 92 of the British North America Act. But there are exceptions, mainly concerning the amendment of the constitution of the Territories, financial matters, the management of public lands, local works and undertakings, the incorporation of companies, and the administration of justice.

The jurisdiction of the commissioner in council over the constitution of the Territories is not general, as is the case in the provinces, but specific: he can, for instance, subject to some

qualifications, define the franchise or legislate over controverted elections or describe electoral districts, but he seems powerless in respect of the number of members on the council, whether elected or appointed, or of the indemnity to be paid to councillors, or of the privileges of the council and its members.

- In financial matters, although a consolidated territorial fund has recently been established by federal legislation and the financial powers of the Territories have consequently been increased, the borrowing, investing and loaning powers of the council are still subject to the control of the governor in council. As in the provincial and federal governments, the initiative respecting financial measures, whether for taxation or public expenditures, rests with the executive. Furthermore, territorial accounts are kept as the Northwest Territories Act directs, and they are examined by the Auditor General of Canada. Finally, because the overwhelming majority of territorial needs are paid for by federal moneys, there hardly being a taxation base in the Territories, the territorial government cannot be considered to be a financially responsible one.

The management of public lands remains a federal matter, subject to minor qualifications expressed in section 40 of the Northwest Territories Act. The territorial government is given no express general competence over local works and undertakings, save some

jurisdiction over roads on public lands. The territorial power to incorporate companies is subject to limitations not found in provincial constitutions, for instance with respect to railways.

Power over the administration of justice is limited to narrow and specific subjects in the field of criminal justice; the administration of civil justice at first sight appears to be entrusted to the territorial government in much broader terms but, in fact, a substantial and important part of the field is already occupied by sections 20 to 38 of the Northwest Territories Act, which deal with the territorial court, appeals in civil cases, and police magistrates and justices of the peace; and no territorial ordinance can contradict the Northwest Territories Act or any other federal statute. Judges of whatever jurisdiction, and even judicial officers, are appointed by the federal government.

On the other hand, the commissioner in council is given a few legislative powers which either do not belong to provincial legislatures or have not been bestowed upon them in express terms; he can, for instance, levy taxation upon furs to be shipped outside the Territories. He is also given limited legislative competence over Indians and Eskimos with respect to the preservation of game.

Furthermore, he can make ordinances respecting any other matter designated by the governor in council.

Territorial ordinances are subject to federal disallowance within two years; but no mention is made in the Northwest Territories Act of any power of reservation or of veto, similar to those of a lieutenant governor, that might be vested in the commissioner.

An examination only of the extent of the legislative powers of the Northwest Territories government might suggest that the government has a quasi-provincial status; it might even appear to have sufficient legislative powers to be considered a federated unit of government, although not quite of the Canadian model. But the over-all picture is substantially different: the composition of the legislative branch of government, the structure of the executive branch, and the relationship of territorial political institutions to the federal government are such that the status of the territorial government cannot be said to be quasi-provincial. It has a status very subordinate to that of a province; but its affinity with the general Canadian model of federal government, together with its gradual transformation, precludes its being considered a purely colonial form of government. An appropriate designation of its present status might be "semi-provincial".

(ii) Quasi-Provincial Status

Quasi-provincial status is not easily defined. Past or

contemporary models of the Canadian variety are not abundant; the constitution of the Yukon Territory may provide an approximate example.

The main differences that distinguish the constitution of the Yukon from the constitution of the Northwest Territories are as follows. The Yukon legislative branch is entirely elective. The council is chaired by a speaker elected from amongst the members. The commissioner, who is the chief executive officer, frequently visits the council but does not as of right take part in its deliberations. The same is true of heads of departments. The seat of government is within the Territory at Whitehorse.

The commissioner is the executive. He has power to veto bills introduced by private members of the council. He has a public service of roughly six hundred persons, as compared with about sixty resident civil servants on the staff of the Department of Northern Affairs. The administration of the Territory is divided into departments, but department heads, who are not members of the council, do not form an executive council nor anything that resembles a cabinet. Three members of the Yukon council sit as an advisory committee on finance, on a rotating basis. This committee can make recommendations on money matters. In practice, however, it appears that the whole council goes through the complete budget after it has been

examined by the committee. The advisory committee on finance is not, therefore, like a cabinet. There are no significant organized party politics at the territorial level. Although there is more of a tax base in the Yukon than in the Northwest Territories, the greater part of government expenditures is paid by Ottawa. In practice, as well as in law, the executive is not responsible to the legislative branch. Some features of the constitution of the Yukon can, however, be interpreted in diverging ways: the fact, for instance, that the commissioner does not act as head of the council may be considered desirable because it emphasizes the independence of the legislative branch; but it can also be viewed as a roadblock in the way of responsible government, for it does not favour control of the administration by elected representatives. It may be that the Yukon has been influenced by the proximity of Alaskan institutions; in any event, the Yukon government can be considered as featuring representative institutions, but not, as yet, responsible government. It has some of the essentials of responsible government: a territorial public service and parts of a tax base. But it is still missing other features which are necessary at least to a British type of responsible government: systematic party politics and a greater coordination of the legislative and executive branches.

The constitution of the Yukon may be considered a contemporary

type of government which in most of its aspects is closer to provincial status than is the government of the Northwest Territories; but it constitutes only one illustration, or a starting point. By varying to a greater or lesser degree the composition and powers of the legislative and executive branches, as well as their relationship with each other and with the federal government, innumerable shades of political institutions may be created, each differing slightly from the next, the least advanced being even more authoritarian than the constitution of the Northwest Territories and the more developed being more responsible than the government of the Yukon yet stopping short of full provincial status. Indeed, there are differences between the constitutional institutions of the provinces. It is important, therefore, to isolate the essential features of provincial status, towards which the present territorial status could evolve, but which it cannot reach without going through a change in nature.

Full provincial status entails at least some of the following consequences, all of which affect the relationship between the federal and the territorial governments. The federal government would, by statute, relinquish its jurisdiction over the territories for provincial purposes: instead of merely delegating jurisdiction to the territorial government, as it now does, it would irrevocably vest the jurisdiction in the new provincial government, while retaining its own specifically

federal jurisdiction over the same territory. Furthermore, although the federal parliament is not compelled to bestow upon a new province precisely the powers possessed by other provinces (for instance, the prairie provinces were not given control over their natural resources for 25 years) provincial status would mean that a new province would acquire jurisdiction over its own constitution except for the office of lieutenant governor. Finally, the appointment of federal nominees to the executive and legislative branches of the territorial government is not compatible with full provincial status, save again for the office of lieutenant governor.

The foregoing outline of features of full provincial status is of a legal nature; it does not make allowance for important non-legal circumstances, such as the degree of economic dependence of a given territory or province upon federal assistance. A distinction should also be made between the formal legal marks of provincial status and general conditions which justify provincial status, such as the establishment of a local public service, the creation of a tax base, the development and diversity of public opinion and of articulate vehicles to express it, the beginnings of party politics and the responsibility of the executive to the local electorate. These conditions can be measured only subjectively and can vary in degree. It is conceivable that some conditions might be lacking without affecting the granting of

provincial status; and it is possible that many conditions could exist without creating a demand for provincial status. But it is probable that the presence of all or most of these conditions in a given territory would create pressure for provincial status that might be difficult to resist.

(b) Non-Traditional Form of Government: The Unitary Principle

So far, we have dwelt upon traditional Canadian forms of government implementing the federal principle. Since we are dealing with alternative programs of political development, we should refer to a less traditional pattern, by which the Northwest Territories could acquire a unitary status under Canadian sovereignty. Here again, several forms could be imagined, but what, roughly, such a status would imply is this: all federal departments and agencies having establishments in the Northwest Territories, all federal powers (with the probable exception of external affairs, national defence, banking, currency, customs and external trade, aeronautics, navigation, shipping and admiralty), all territorial powers and agencies, and, generally, all powers that elsewhere are provincial, would be vested in or placed under one territorial government, at the head of which the Canadian government would appoint its own representative who might be styled governor. Such a governor might be advised by an

appointed or elected or partially elected executive council. He could be granted vast legislative powers to be exercised with the consent of an elected or partially elected legislative assembly, under the supremacy of the parliament of Canada. The governor might exercise some powers according to the wishes of the assembly, but for the most part he would be, in fact and in law, responsible to the government of Canada, acting upon the instructions received from it. The Northwest Territories would thus function almost as a unitary state, under the general tutelage of the Canadian government.

The above description contains features of a colonial form of government, although the latter is not necessarily incompatible with representative institutions or with some degree of local responsibility. Adoption of the system would involve the dismemberment in the north of most federal departments and agencies. From the point of view of purely functional efficiency the model presents undoubted local advantages, since it would concentrate most of the powers of the state in a single government. But the very potential of such powers might induce the government of Canada to withhold autonomy and thereby impede the evolution towards responsible government. Furthermore, if autonomy were to come to a part of the country enjoying a government of such unitary status, it could mean autonomy in all fields, and potential independence and separation, for it might not be easy to

persuade people grown accustomed to full constitutional competence to accept the limited jurisdiction of a province.

(c) Pervasive Constitutional Peculiarities

Whatever frame of political development should be selected for the Northwest Territories - the present status, quasi-provincial status, full provincial status, or a unitary form of government - the selection involves a further choice among internal structures of diverse political traditions. Again, consideration should be given to the classical differences between the British parliamentary system and the American presidential or gubernatorial form of government. A final choice may not have to be made now, but it may be appropriate to declare a preference for the political institution that is more likely to mature into the type of government which is desired for the future.

An American type of government puts more emphasis on the separation of the legislative and executive branches of government; the traditional British type tends to integrate them, reserving the separation of powers to the judicial function. These different traditions entail different practical consequences for the Northwest Territories constitution, in particular with respect to the relationship between the commissioner and the legislative body. The commissioner, for instance, sits with the council, whereas he does not in the Yukon. The commissioner is the head of the government, and according to British

custom the head of state does not participate in the deliberations of parliament. The Yukon practice, therefore, may appear to be closer to the British tradition. But as the commissioner in both territories is the effective executive branch of government, the Northwest Territories practice is closer to the British tradition, in which ministers are members of parliament. The situation in the Yukon may tend to favour the development of an American type of government.

It was recommended to us that the commissioner of the Northwest Territories be elected at large within the Territories. Whatever the merits of this proposition, one of which would be to ensure to the commissioner some power base which he probably needs and which he does not appear to have in his present position, it involves a choice that favours the development of an American style of government. The governor of Alaska is elected. But in Anglo-Canadian tradition, neither the Queen nor the governor general nor a lieutenant governor, nor even, strictly speaking, the prime minister or the premier of a province is elected at large; the two latter are elected in their respective constituencies, and they become prime minister or premier because each is the acknowledged leader of a political party which has the confidence of a majority of the members of the house of commons or the legislative assembly.

Another example of the choice of internal structures of government that pervades the question of political development in the Territories is found in the assertion that council members should have some power of initiative over financial measures. Again, whatever the merits of this opinion, it hews to the American practice, where a budget introduced by the executive can be rejected or substantially altered by the legislative branch, whereas in Canada appropriation and taxation bills may be introduced only by ministers, and the executive has a virtual monopoly of initiative over public finance.

According to United States practice, the legislative branch is elected for a relatively short but fixed term, and the executive has no power of prior dissolution. In Canada the federal parliament and provincial legislatures can last as long as five years, but subject to prior dissolution by the governor general or the lieutenant governor on the advice of the prime minister or the premier. In the Northwest Territories, the council's maximum life span is three years, and the power of earlier dissolution is reserved to the governor in council; this last peculiarity may be explained by the subordinate status of the Northwest Territories rather than by the desire to adopt a novel constitutional device.

Finally, in both the Northwest Territories and the Yukon, the

executive is responsible not to the legislative branch of government but to the minister of Northern Affairs: if, for instance, the budget proposed by the commissioner were entirely rejected by the council, the commissioner might nonetheless remain in power. This, again, makes Canadian northern political institutions resemble those in the United States. But it is to be explained by local political conditions, particularly by the lack of organized party politics and by the subordinate status of the Territories, not by the adoption of another political tradition. It may, however, on the long run, cause some confusion as to the peculiar characteristics of northern political institutions.

(d) Specific Issues of Forms of Government

The choice of constitutional forms for the Northwest Territories appear to be the status quo, full provincial status, some intermediary stage between the status quo and provincial status, and the status of a unitary dependency. Within each of these categories are choices among internal structures of diverse political institutions.

These choices have to do mainly with the style, composition and powers of the executive and legislative branches of government, and with their relationship to one another and to the federal government.

What should be the style, title and status of the chief executive officer? By what device, elective or nominative, should he be

selected? What should be his powers? Should he take part in the deliberations of the legislative branch, and, if so, in what capacity? Should he be advised by some ministers or quasi-ministers or some form of executive council and, if so, what should be the composition and authority of the council? What should be the departmental divisions of the territorial public service and administration? What should be the style, status and functions of the officer now designated deputy commissioner, assuming that the office should be maintained, and by what procedure should he be selected?

Should the seat of government be situated in the Territories and, if so, where? Should the territorial government have power to change the seat of government? Is there a science, an art, or a combination of both, for the determination of the location of a capital?

What should be the style and composition of the legislative branch of government? What number of elected members is ideally suited to represent a population so diverse as the peoples of the Territories?

Should provision for appointed members be repealed? If not, should appointed members retain the right to vote? If they disappear, who will ensure coordination between the new territorial public service and the legislative branch? What should be the powers of the legislative branch over the constitution of the Territories, over

financial matters, and over legislative matters in general? What should be its parliamentary privileges, if any? Should it be given the power to summon territorial civil servants?

In whom should the natural resources of the Territories be vested?

To whom should the executive branch of government be responsible, to the electorate, to the legislative branch, to the federal government, and for what matters?

The foregoing appear to be the main specific issues of forms of government, without reference to the territorial area over which a government of any particular model would be given jurisdiction.

2. Alternative Geographic Areas of Government

(a) Geographic Alternatives

The main geographic choices respecting the development of government in the Northwest Territories are: the maintenance of the status quo; division of the Territories into two or more parts; annexation of the Territories or parts thereof by the provinces; and unification of the Yukon and the Northwest Territories or part thereof to form one territory and perhaps one Canadian Province of the North.

The choice of the maintenance of the present dimensions of the Territories, at least as an option, requires no elaboration at this point in the report.

Division of the Northwest Territories could be effected by federal statute. Division raises subsidiary questions of a geographic nature: into how many parts should the Territories be divided; what should these parts be - in other words, where should the dividing line or lines pass? It was proposed to the parliament of Canada in 1963 that the Northwest Territories be divided into the Territory of Mackenzie and the Territory of Nunassiaq. The former would have comprised the continental part of the Territories west of the one hundred and fifth meridian of west longitude as well as Banks Island and Victoria Island. The residue would have constituted Nunassiaq Territory. Other possibilities are that the western part exclude the

islands, or that the dividing line roughly follow the tree line. The boundary itself would have to be determined either by recognizable physical features that would make it visible on the ground (for instance, it could follow a river) or in terms of latitude and longitude.

The annexation of the Territories or parts by some provinces is constitutionally possible by federal statute, with the consent of the legislature or legislatures of the province or provinces concerned, and upon such terms or conditions as may be agreed upon. Such terms and conditions could make the annexation permanent or temporary, although the British North America Act, 1871, is not clear on the question whether annexation could be undone without the consent of the province concerned. Presumably such terms and conditions could also make it compulsory for a province to organize the annexed part of the Territories and to grant it adequate representation in the provincial legislature, the effect of which, in practice, would be to extend provincial status to the annexed part.

Every province but Prince Edward Island, New Brunswick and Nova Scotia have territories which are contiguous to the Northwest Territories or which are sufficiently proximate to arctic or sub-arctic regions or to Hudson Bay, Hudson Strait and the littoral islands to give the province some degree of interest in parts of the

Northwest Territories. Some provinces have expressed this interest publicly. The government of the province of Alberta presented a submission concerning this matter. These annexations could be effected in several ways: by extension of provincial boundaries to the Arctic Ocean, or to some parallel, or to the north pole, or by reference to some of the islands. Some parts of the Territories could be annexed to the provinces while other parts could retain territorial status. Geographic combinations and possibilities are almost infinite.

Unification of the Yukon and the Northwest Territories or part thereof to form one territory or perhaps a province could be achieved through a federal statute. If, however, the whole of the Northwest Territories were not to be united with the Yukon, the same subsidiary questions as division of the Northwest Territories would arise.

(b) Pervasive Constitutional Questions

Many of the foregoing choices relating to geographic areas of government pose again, but in different terms, the question of alternative constitutional forms of government, whether there be partition of the Northwest Territories, annexation by one or more provinces, or union of a part only of the Territories with the Yukon. Were, for instance, the Northwest Territories divided into two parts,

it does not necessarily follow that both parts should have the same constitutional status, for one might be more advanced than the other; indeed, the very fact of division might reflect the degree of readiness of one part for quasi-provincial status and the unpreparedness of the other even for the maintenance of the status quo. Similarly, should a part only of the Territories be annexed by provinces, the selection of the type of internal political structure best suited to local circumstances would depend on which part is annexed and which becomes the residue. Each geographical alternative which implies partition of the Territories leaving a non-provincial residue involves both a choice among constitutional forms and the assertion of the original question relating to the location of the seat of government, the style, composition and powers of the legislative and executive branches of government, and their relationship with one another and with the federal government.

F. POSTULATES

The order in council which established this commission instructs that we advise the Minister on matters related to the political development of the Northwest Territories. The Minister's speech of 11th May, 1965, instructs that we recommend the form of government that seems most appropriate consistent with political, economic and social development. It is both implicit and explicit in our terms of reference, as indeed it was apparent to us after a comparatively brief journey through the Territories, that the question of the political future of the north cannot be considered realistically in isolation from its economic and social future. These three facets of the north's future are not immutable as the laws of nature; they are within the power of the government of Canada to direct, if not to control. We, therefore, considered it an important part of our assignment to state in the form of postulates, or precepts, or premises, the values which we believe to be valid for and relevant to the economic, social, and political future of the peoples of the Northwest Territories. We do not claim these precepts to be self-evident principles. They were designed after we had completed the summer tour of public hearings and had learned what we could in that time of the problems of the north. They represent a choice of values; and in this respect a further observation must be made. The

north is full of dilemmas unresolvable without the guidance of value judgments, and not easily resolvable - some perhaps not at all resolvable - even then. For instance, if one's value judgment dictates that there should be a move to decrease the high rate of infant mortality in the north, then to attain that end the peoples of the north must obtain adequate food, clothing, medical and paramedical services, and above all warm housing. But a move to improve housing is a move, depending on the location and nature of the housing, that is likely to entice indigenous peoples away from camps and their traditional ways of earning a living, and into communities and hence towards a cultural erosion of an indeterminable depth. Again, a move to educate is a move that is calculated to attenuate a language containing concepts and words which have served the cultures of nomadic peoples for thousands of years, yet does not serve and probably cannot serve in a twentieth century industrial economy. A move to introduce responsible government is a move that imposes strange concepts of social and political relationships on peoples who did not solicit them. A move to administer justice according to law - Canadian law - is a move that superimposes on indigenous cultures the social values which have shaped that law. The precepts, then, are value judgments that were devised in order to give direction to our studies and to break into manageable dimensions

the attack on the vast problems of the north. They form the foundations of our recommendations.

1. Every citizen of Canada has a claim to participate in the institutions of responsible government under the Canadian constitution; it is a goal of political development of the Northwest Territories that the optimum number of Canadian citizens resident in the Territories should, at an optimum speed, participate in government as fully as Canadian citizens resident in the provinces.

The force of this postulate lies in the word "optimum". The word is used to indicate that different portions of a population may not be considered ready to receive the instruments of responsible government at the same time, and that the interests of those who are not considered ready must be balanced against the interests of those who are; if political freedom is granted too slowly, too quickly, or in the wrong way, the goal of political freedom may be lost. This postulate has relevance to the issue of division of the Territories into two or more political units.

2. The competence of political institutions should be commensurate with the dimensions of the social and economic problems in the political unit.

The form of government should be capable of handling the social and economic problems in the political unit for which it is devised. It must not be too heavy at the top nor too thin on the ground.

This postulate may appear in isolation to be so self-evident as to be trite; it is relevant, however, to selecting from among choices of political forms. These choices are set out in the preceding part of this report.

3. The structure and technique of government should not be foreign to the Canadian political tradition.

We have been encouraged from time to time to devise a bold new plan of government for the north that might be unique in the annals of Canadian political development. The government of the Northwest Territories must operate within the British North America Act and the constitutional customs implicit in it. A completely new form of government may be justified if it is the only recognizable means for accomplishing committed social and economic goals. But if a scheme equally as efficacious and within the Canadian political tradition can be devised, we believe it is to be preferred over one that is not consonant with that tradition.

4. Every resident of the Northwest Territories for whom freedom of movement within and without the Territories is not a realistic fact has a claim to economic opportunity that will provide a standard of living that does not deviate substantially from the Canadian norm.

In the briefs and submissions received by the commission are expressed the opposing views that the indigenous peoples of the north for whom there is not economic opportunity should be moved out of the north to places in the south where such opportunity exists, and that the indigenous peoples of the north ought not to be taken from their homeland but rather economic opportunity ought to be brought to them. At the moment the question does not affect the white man, for he has migrated into the north and is, for the most part, capable of migrating out. But the indigenous labour force is comparatively immobile. Involuntary movement of indigenous peoples is unacceptable; and it is not likely that voluntary mobility will be induced to a significant degree, at least in the next few years, by the presentation of economic opportunity to the south. This latter we do not rule out, particularly as educational opportunities are enlarged and the population increases; but if an indigenous social system continues to exist, many Indians and Eskimos may want to return home - it is a natural magnetic pull which there is no apparent advantage in destroying.

This postulate supports the view that economic opportunity

must be created in the north, and to a degree that will provide a standard of living that does not, as it clearly does now, deviate substantially from the Canadian norm. We use the term "deviate substantially" because it is not realistic to expect short term developments that will establish equality; we believe the short term goal to eliminate substantial deviation to be realistic and important.

5. So long as the Northwest Territories remains a political unit or units separate from the provinces, the federal government has a major, although not necessarily an exclusive, responsibility for its economic development.

This postulate was formulated in response to clause (c) of our expanded terms of reference. The speech of the Minister instructs us to give specific attention to "the political development of the Territories contingent on the size, nature and distribution of population and having regard to the present and prospective level of social and economic development." This passage contains a number of directives; this postulate is concerned with one. This report refers later to the unique problem presented by the small size and disparate nature of the population and its distribution over a very large land mass. The present level of social and economic development is the immediate base upon which such procedures of democratic government as may be considered fit must be built. The prospective level of social development depends in very large measure on the prospective level of economic development. At the present time over 80% of the capital expenditures of the government of the Northwest Territories and some 50% of operating expenditures are derived from the government of Canada. Indeed, less than 30% of the operating revenue of the Territories are collected in the north, the balance coming from shared programs and other recoveries. The economic

future of the Northwest Territories for practical purposes is in the hands of the government of Canada. It would in our view be wrong to premise the political growth of the Northwest Territories on the ability of the land to produce revenues sufficient to pay "a significant share of the cost" of its economic development, in light of the fact that it is within the power of the government of Canada to make or break its economic future. At the same time, if the government of Canada is to carry the lion's share of the cost of economic development of one-third of the land mass of Canada harbouring less than 0.2% of the population of Canada, it must reserve certain controls. In our view economic and political development must move together; but the government of Canada must not offer with one hand political development contingent upon social development which in turn is dependent on economic development, and withhold in the other hand the means to economic development. As stated in The Northwest Territories Today, the Department of Northern Affairs' working paper prepared for the commission, "the large Indian and Eskimo population of the Northwest Territories places heavy responsibility on the federal government for the improvement of the social and economic conditions in which they live." Government activities have had and must continue to have a great impact on the social evolution of the north. The direction of the impact is therefore of greatest importance.

6. The Eskimos and Indians, as indigenous minorities, should be free to maintain their cultural and ethnic identities, subject to fundamental human rights as recognized by the Canadian constitution.

Possibly the most controversial question among students of the indigenous peoples of the north is that of the social and cultural future of the Indians and Eskimos. The extremes of theoretical possibilities are that the indigenous peoples preserve their traditional way, and that they disappear as social and cultural entities. The first extreme is not a practical reality; the second is not a practical necessity.

It may well be argued that attaching so much importance to political and economic development is imposing values of the twentieth century western white man on civilizations whose cultures are antipathetic to those values. George Bernard Shaw is reputed to have said "You should not necessarily do unto others as you would have them do unto you - they may not have the same tastes." But there are a number of reasons for rejecting the argument that government policy should be based on this point of view. First, contact by the Indian and Eskimo with the twentieth century western white man has long since gone beyond the point of no return; there is no practical possibility that either ethnic group might return to the "noble state" he was in before the insurgence of the white man. The question is not

whether the peoples of the north will move forward under white man's influence but to what they will move. The report of the Glassco Royal Commission on Government Organization, in part 22 on Northern Affairs at p. 156 reads:

The immediate goal, in most of the North, must be a society that resembles neither that to which the native people have been accustomed nor that in which their administrators have been reared - and one, moreover, that is constantly changing. And, as far as possible, it must offer the Eskimos and Indians a life that sustains (and in some areas restores) their self respect, that satisfies their desire to be self supporting, and develops within them the innate urge to better their own condition. Thus economic and social development must go hand in hand.

And at page 171 the report reads:

What is needed is a programme of economic rehabilitation and social development which the local people understand and in which they will cooperate - an object more easily stated than met.

Second, there is no articulate body of opinion - a fact which admittedly may be argumentative - among the Indians and the Eskimos that they wish to live in isolation, and there is much evidence of a desire - for instance in the wants of parents (there are exceptions) that their children be educated in the public schools - to adapt to and adopt at least some of the white man's values. The white man is now part of the environment of the indigenous peoples of the north (biologically he has become part of the peoples themselves; one northerner, with

great pride and good humour, described his lineage to us as being part Indian, part Eskimo and part Police), and there is no escaping that fact. Indeed, in this respect there is much ambivalence. In the course of our hearings we found a desire for the amenities of the white man's world - better housing, running water, telephone service, better health facilities (the latter in part to avoid the necessity for individuals to leave the north for medical treatment), adult education, opportunities for wage employment, and increased welfare payments. At the same time we encountered a deep desire to preserve the language and other facets of the culture of the indigenous peoples. A number of speakers asserted the importance to them of the white man's learning to speak their language. Others recognized that cultural change was inevitable, and expressed a desire for progress but not for rapid change. Third, Canada is committed through the charter of the United Nations and the Declaration of Human Rights to the development of its indigenous peoples. There is no going back.

Words which are used currently to describe the practical alternatives in the social development of the indigenous peoples are "integration" and "assimilation". "Assimilation" is used to describe the "melting pot" concept, which adheres in large measure in the United States, and which has occurred through miscegenation in Greenland and Labrador. Assimilation is dismissed by its opponents as

"cultural homicide". Assimilation is not consistent with the historical development of this country and in our view need not adhere in the north. We make a point of saying that it need not, for unless a public policy to the contrary is adopted and pursued with diligence and deliberation, it is quite possible, indeed some would say likely, that Canada will fall into a policy of assimilation of the Indian and the Eskimo peoples by hasty action or by default. A move towards integration that is too sudden could be unnecessarily disruptive and destructive. A move that is too slow may lead to impatience, demoralization, and apathy. A move that is not both deliberate and diligent may expose a minority culture to being overwhelmed by a majority culture. There are many instances in Canada where ethnic groups, in much smaller proportions than the "founding races", live as discrete societies in peaceful coexistence within a larger community, and which present a good measure of freedom of choice as to the extent to which the individual takes advantage of the economic, cultural and social opportunities in the larger community. Such a policy of "integration" assumes that there must be a working out by the people themselves of their social and cultural destinies; and it assumes also that there may well be a unique product created from the interaction of the cultures and values of the northern peoples and those of the western white man.

We have, therefore, sought to state this postulate in the form

of choice, in the form of freedom to choose, recognizing that the desire to take advantage of economic opportunity may involve the individual in paying, possibly unwittingly, the price of giving up an appreciable measure of his cultural and ethnic identity, and recognizing also that there may be within those identities ingredients which are not consistent with fundamental human rights as recognized by the Canadian constitution.

G. RECOMMENDATIONS

1. General Observations

The two salient characteristics of the Northwest Territories, from the point of view of political development, are its uniqueness and the unpredictability of its future. Its uniqueness is found in the sparseness of the population, the racial and economic disparity of the population, its geography, and the nature of its natural resources. Yet there seems to be an emergent "northern identity", as distinct from northern regionalism. Predictions as to the future of the Territories range from the view that the land will never be able to support a population large enough to constitute a viable political unit, that it will always be a vast and empty hinterland with myriad nuclei of population needing a unique form of local government, to the view that the world's population explosion will fill the north in due time (the Eskimo population itself will likely double in twenty years or less), and hence the full status of provincehood is now foreseeable. Even during the pendency of this report the territorial franchise was extended to the Keewatin and Franklin districts and the Department of Northern Affairs and National Resources was reformed into the Department of Indian Affairs & Northern Development.

These qualities of uniqueness and unpredictability affect both

our recommendations and the time span for which we foresee the recommendations would be operative. We believe that at this stage of the development of the Northwest Territories the form of government should be sufficiently flexible that it can adapt to change and that it itself can be modified as the future of the north unfolds. An irreversible change at this time in certain facets of government may prove an obstacle to change at a later date. In terms of time span, we recommend that the question of the government of the Northwest Territories be reviewed again in ten years' time; we have sought to make our recommendations appropriate for a decade. In this we are comforted by the expression of a similar opinion by the council of the Northwest Territories.

There is another qualification which should be attached to this section of our report. At best, we can only make recommendations relating to the forms of government and the procedures of administration. Whether any forms or procedures should produce economic, social, and political justice depends on how well those who are charged with their care - not only the politician and the administrator, but the private citizen as well - make the forms and procedures work. We do not expect that the implementation of the recommendations will produce an immediate reformation, much less a political, economic, or social revolution. We offer the recommendations in the belief that

as of 1966 they provide a workable means to the accomplishment of the reformation and the revolution by those - both public officials and private citizens - who immediately and ultimately must be charged with the responsibility of making them work.

2. The Issue of Division

We recommend against division of the Northwest Territories into two or more political units at this time.

The question of division was the issue which ultimately led to the appointment of this commission, and we should comment on it in some detail.

In considering the question of division, the commission found it useful to examine similarities of and differences between the west and the east. The features which the Mackenzie and the rest of the Territories have in common are features which present problems for economic, social and political development. The Northwest Territories is economically underdeveloped; there is a lack of growth and a lack of speed in economic growth proportionate to the population. There is a lack of secondary industry and tertiary services. The main potential resources are non-renewable. There are high pioneering costs in what is essentially a frontier: high cost of living, high cost of transportation, and difficulties of communication. The north is underpopulated, yet in terms of available employment is overpopulated. Its economic future is uncertain. The population is located in a large number of small communities. There is a preponderance of indigenous peoples, lacking in political development and many of them totally dependent on the white man.

Physically there is a considerable difference between the Mackenzie and the rest of the Territories. The Mackenzie is in many respects a continuation of the prairies, united by a waterway and having vegetation common with the land lying to the south. The rest of the Territories effectively lies north of the tree-line, united to a degree by the sea coast, much of it barren, a rock desert, containing most of the 60,000 square miles of glaciers that lie north of 60° - "the Arctic". The principal resource in the east and north is minerals in the Canadian Shield, and some hydro potential; in the west are minerals and oil and substantial hydro potential - a land where the topography is much less rugged and forbidding, where resource exploration is easier and is more advanced. In economic terms the west is largely dependent on the land (although there is an established lake fishing industry), the rest of the Territories on the sea. Economic development is much more advanced in the west. Transportation and communications are easier and better in the west; and the west is contiguous to wealthy provinces, the east and high arctic are not. In sociological terms there are differences. There are obvious ethnic differences, the Indian living mainly in the Mackenzie, the Eskimo to the east and north. The Eskimo lives in expanded family groups, the Indian in bands. The majority of whites are in the Mackenzie, where

the likelihood of settlement as known in southern Canada is greater. As a consequence the population is denser in the west; there are few whites outside the public service in the east and north. There is a greater regional identity in the west; the population in the east are in communities isolated from one another by distance, topography and climate. There is an historical difference in intensity of contact with the white man, and whatever other consequences may flow from that factor, there is a difference in the levels of education and sophistication in the white man's ways.

The case for division arose in the council of the Northwest Territories at a time when all the elected representatives were drawn from constituencies in Mackenzie district - a district created, incidentally, for administrative convenience, not as a basis for political division. The bulk of the white population outside the public service reside in the Mackenzie, and among them there built up pressure for provincial status, a pressure engendered by a sense of isolation and pioneering, by political self-consciousness, by a sense of rejection or neglect by the central government, and by a feeling of urgency to claim responsible self-government as their patrimony. The case for division appears to have been made as a means to an end, a means the appeal of which lay in the conjecture that the central government would not consider political advancement for the whole of

the Northwest Territories but might be persuaded to do so for a smaller area in which resided a highly articulate and politically discontented white population. The claim for political reform took the form of argument that "the east is holding back the west". If these are accurate observations on the motives for seeking division, it would appear that the case is based largely on a reaction to the bewildering facts of an exceedingly large land mass, a remarkably small population (it is one-fifth that of Prince Edward Island, Canada's smallest province both in size and in population), extreme diversity among the residents of the north, and a prediction as to the behaviour of a central government which, in the total span of time since Confederation down to the early 1950's, had a history of an absence of policy, a pragmatism, a reluctance to part with power, and an apparent but unstated perception of a recognizable relationship between economic development and political advancement.

The claim of the white population to greater self-government, and, indeed, to patriation of their government, is one of great weight. The question is whether division is a necessary or desirable move in the direction of meeting these political ambitions. We have come ultimately to the conclusion that the claim can be satisfied almost as fully at the present time without division as with it; there will be a certain political price, not so much in the form of government as in its

operation and administration. We have also come to the conclusion that division would likely bear consequences for the Eskimos in the residual area east and north of the Mackenzie and for the Indians in the west which should and can be avoided at this time.

The strongest case against division at this time, in terms of the postulates adopted earlier in this report, is that division would be prejudicial to the political interests of the indigenous peoples of the Northwest Territories as Canadian citizens. With division there would be a very great risk that the eastern Arctic would become sealed off, would remain dominated by the central government, and might never acquire anything more than a nominal form of self-government. To divide now would be to cut the east from the most populated and articulate part of the Territories and from an influence from which the Eskimo has much to benefit. In contrast, by maintaining the Territories as a political unit and by extending the franchise throughout the Territories, residents of the east would have the same opportunities as those in the west of participating in their government. The level of political sophistication in the east is rising rapidly. If at a later time there is reason to divide the Territories, it will be much easier to ensure that the territorial government of the eastern and high arctic areas would not revert to a lesser form, as occurred in 1905. In short, representation now; possible division later.

Indeed, it may transpire that the case for division cannot be made until at least one of the new units is ready for full provincial status. In our view the case for such status in the Mackenzie does not exist at this time. One of the most important factors relating to provincial status is the transfer of sub-surface rights to the provincial government. It is not conceivable that the central government would convey title in the minerals and petroleum resources of one-third of the land mass of Canada to a government of less than 0.2% of the total Canadian population, three-fifths of whom are indigenous peoples who, however great their potential, are at the present time politically unsophisticated and economically depressed. The case is not appreciably stronger merely if the land mass is reduced to one-sixth of Canada and the population is cut by two-fifths. It may be noted, further, that division would create a white majority in the Mackenzie, with the very great likelihood of a white government. Division could have the accidental and unintended effect of gerrymandering the indigenous peoples of the north out of effective participation in territorial self-government. Another factor relating to provincial status is the tax base. There is a growing tax base in the north, particularly in the Mackenzie, but it does not yet appear broad enough to justify provincial status and corresponding responsibility. Further, the discharge of provincial responsibilities requires a human resource base of

education and experience. But within the scattered population, persons of such education and experience - Indian, Eskimo, Metis or white - who regard the north as their home, are even more thinly spread.

Another argument against division is that a dividing line once drawn is not easily changed; in fact it would in all probability be permanent. Yet not enough is known about the country to determine with informed confidence where the line should run: such a decision can be arrived at only after an economic study in depth has been made.

A further argument against division is that two attenuated governments are less likely to attain their claims against the central government than is one consolidated government. And apprehension is expressed that given the likelihood that the governments would enact divergent laws respecting such matters as game control, a line which must inevitably run through land inhabited by an indigenous race would oblige such peoples, as they move in the normal process of hunting, trapping or fishing, to cope with two sets of laws and regulations.

There is a monetary cost factor in the issue of division, although we do not consider it to be a deciding factor. Had we concluded that division was proper at this time it is unlikely that we would have recommended against it because of the added cost of

operating two territorial governments. In any event, there will be a cost to decentralization of the territorial government, a move which must be taken if patriation of the territorial government is to achieve its purpose. Possibly the greatest cost will be in the need to increase east-west communication, by radio and by air.

In the light of the recent history of the issue of division, we had expected to find a fair volume of opinion favouring division, particularly in the predominantly white communities in the Mackenzie. Whether most people never did favour division, or whether they changed their minds, or whether many of those who favour division did not choose to be heard in the public hearings of the commission and in written briefs and submissions, we discovered what appeared to be a minority sentiment for this program of political development. It should be noted that the territorial council as it is now composed is opposed to division.

We recognize that the maintenance of the Northwest Territories as a political unit will be to some degree at the expense of the white peoples of the west. We believe the price to be a political one, not an economic one, particularly if our recommendations respecting economic development are adopted (important elements, such as investment and immigration, are factors, we believe, not so much of division as of economic planning); and we believe the price is neither

irrevocable nor irreparable. Indeed, we believe that division in some form and at some stage is probably inevitable, for the greatest and immutable factor militating toward division is sheer size; but we believe that the passage of a decade will make a tremendous difference to the political competence of the indigenous peoples and will likely see quite rapid development in the most viable area of the north, the southern part of the Mackenzie. The political price of unity, as we see it, is composed of three factors: the growth of party politics will be slowed (although party politics is an integral part of the operation of responsible government in Canada, we frequently heard the opinion from white residents that "party politics should be kept out of the north"); there is a risk (that can be met) that the transfer of administrative functions to the territorial government might be slowed; and, for reasons given later, we believe that some appointed members should be retained on the council.

In terms of the location of government, if the capital is established on Great Slave Lake the west loses nothing by unity; on the other hand the east would gain nothing by division, for the capital of the east would very likely remain in Ottawa.

In summary, we conclude that what is required now is not provincehood but the means of growth to provincehood; that the best move for the peoples of the Northwest Territories at the present time

is to retain the Territories as a political unit, to locate the government of the Territories within the Territories, to decentralize its operations as far as practicable, to transfer administrative functions from the central to the territorial government in order that the latter may be accountable on site for the administration of the public business, and to concentrate on economic development and opportunity for the residents of the north. The question of location of the capital is considered in the next section, the questions of decentralization and economic development later in this report.

Among the recommendations which we received relating to the political future of the Mackenzie area was the suggestion that the Alberta border be extended northwards. From the inquiries we have made and the representations we have received, we judge that the present climate of public opinion in the Mackenzie is not amicable, and to a significant degree is hostile, to the joinder of part or all of the Mackenzie to Alberta; in the opinion of your commissioners it is not, therefore, politically realistic to consider this solution.

3. The Seat of Government

The opinion most commonly and uniformly expressed in our public hearings was that the capital of the Northwest Territories should be located within the Territories. We believe this to be right in principle, and so recommend.

The location of the government in the Northwest Territories is not likely to produce a sudden change in the lives of the peoples of the north. In fact the residents of the Northwest Territories may find that the move of the capital to the north will impair the power base of the territorial government in Ottawa; because of the influence of the central government over economic development, this is a price to be reckoned with. But we believe in the predominant importance of the principle, and we have found very little opinion to the contrary.

A far more controversial issue is the choice of a capital site. We understand that the Minister and members of the Northwest Territories council look to this commission for a specific recommendation. There is no advantage in creating a new town. We recommend that the capital be located at Yellowknife.

Our reasons for favouring Yellowknife are as follows:

(a) of the major contenders for the capital, Yellowknife is closest to the demographic centre of the Northwest Territories and is most

accessible to the most number of residents of the Territories;

(b) it would be an appropriate location for the present political unit of the Northwest Territories or for the western part of a divided territory;

(c) it is close to the mean territorial climate and average living conditions;

(d) it has first class telephone, telegraph and radio facilities;

(e) it has access by road and water;

(f) it has good airport facilities and is the major centre of air charter services in the Territories;

(g) it is on a travelled route;

(h) it has a non-government economic base;

(i) it has satisfactory building conditions and sufficient available land, and is physically ready to provide a capital site and to accommodate an expanding population;

(j) it has an established municipal government, an operative town plan, and good public utilities and services;

(k) it is the judicial centre of the Territories, and offers a wide range of professional and commercial services;

(l) it offers primary, secondary and vocational education and has established school districts;

(m) it offers a diversity of interests and assets for new residents

who will be drawn to the capital;

(n) of the major contenders for the capital, its physical characteristics are the most conducive to an identification by all residents of the north with the location as their capital.

As in many other matters relating to the Northwest Territories, it is very difficult to predict with confidence how the north and the communities in the north will develop. But the selection of a capital site is a question that will not wait indefinitely for an answer. The decision must be determined on facts and evaluations as they can be known and made today. We received submissions respecting the choice of the capital site from Yellowknife, Hay River and Fort Smith. In the course of our inquiries we also received recommendations favouring Inuvik, Pine Point, Fort Simpson, Fort Providence, Frobisher Bay, Hall Beach, Chesterfield Inlet, Rankin Inlet and Ottawa. We have examined the submissions, which were meticulously and exhaustively prepared, and the recommendations, in detail. We trust that the communities whose aspirations may be disappointed by our recommendation will forgive the commission for not stating reasons for not recommending the selection of each of them. Each has many assets. But once the recommendation for the choice of capital is made, we believe that no public interest would be served by giving reasons for concluding that each of the other communities is less suitable than the

community recommended for the capital.

In making our recommendation respecting the selection of a capital site we have been concerned over the legitimate expectations - the "reliance interest" - of Fort Smith. This community was recommended in 1962 by the territorial council to be the capital of the Mackenzie Territory following division. It came to be regarded in some quarters as the unofficial capital of the Northwest Territories. At no time did the administration located at Fort Smith have jurisdiction over any part of the Northwest Territories but Mackenzie district. And throughout, the capital, as declared in the Northwest Territories Act, has been in Ottawa, where the commissioner has always been resident. Nonetheless there was in Fort Smith an expectation, and there may have been a reliance, that the capital, when it was moved into the north, would go to Fort Smith. We recommend that examination be given to the question whether any person who can show satisfactorily that he established himself or expanded his establishment in Fort Smith after 1962 in reliance on the expectation that it would become the capital and has been prejudiced thereby, should be moved at public expense to Yellowknife if he so wishes, or be compensated accordingly.

4. The Structure of the Territorial Government

We recommend that there be

- (a) a commissioner
- (b) a deputy commissioner
- (c) an executive council
- (d) a legislative assembly
- (e) the following major departments:
 - (i) economic development and finance
 - (ii) local government
 - (iii) education
 - (iv) welfare and social services
 - (v) public works
 - (vi) justice
 - (vii) lands and resources
- (f) a Northwest Territories Development Board
- (g) a Northwest Territories Development Corporation.

(a) The Commissioner

We recommend that

- (i) the office of commissioner of the Northwest Territories be continued;
- (ii) the commissioner be appointed during pleasure by the governor general in council on the recommendation of the minister of Northern Affairs;
- (iii) the commissioner hold the rank of federal deputy minister and that he be responsible directly to the minister of Northern Affairs;
- (iv) the commissioner be chairman of the legislative assembly and preside over the legislative assembly;
- (v) the commissioner preside over the executive council;
- (vi) the commissioner be paid a stipend by authority of a federal statute as a first charge on the Northwest Territories consolidated revenue fund;
- (vii) in addition to the powers which the commissioner now holds, and subject to instructions from the minister, the commissioner have the power to dissolve the legislative assembly, and to reserve a bill of the legislature for the pleasure of the governor in council;
- (viii) the commissioner have the right to vote in the legislative assembly in the event of a tie vote of the members;

(ix) the commissioner reside in the Northwest Territories at the capital of the Northwest Territories.

We envisage the office of commissioner to approximate at present that of a provincial premier, with this difference: that he gradually work himself out of office, on instructions from the minister of Northern Affairs, by exercising his powers as though he were partially responsible to the legislative assembly. We envisage that eventually the office of commissioner will take on the role of lieutenant governor. So long as the commissioner functions as premier he should remain in the legislative assembly, where he can advocate his views and defend his policies. The commissioner should prepare estimates as a basis for negotiation of the federal grant. He should probably act as his own secretary of economic development and finance for some time.

Much will depend on the person who occupies the office of commissioner to provide stable government and to plan for the social and economic development of the Northwest Territories.

As stated earlier, we do not recommend the status of provincehood for the Northwest Territories at this time. Accordingly we have sought to use titles for offices and institutions of government that will not convey the impression that the office or the institution is part of the machinery of fully responsible government. For that reason

we recommend retention of the title of commissioner. We consider the terms legislative assembly, member of the legislative assembly, executive council, and department, to be descriptive of the function of the institutions and offices and recommend their use accordingly. We suggest, however, that the terms lieutenant governor, premier, minister, attorney general, and speaker imply the presence of the crown in right of the Northwest Territories and hence imply the operation of a fully responsible government; the title governor implies a colonial form of government or the American form of representative government. Accordingly we advise against their use. Of alternatives to the title of minister we recommend the title of secretary, which has had an honoured use in history and continues so to do.

(b) The Deputy Commissioner

We recommend that

- (i) the office of deputy commissioner of the Northwest Territories be continued;
- (ii) the deputy commissioner be resident in the Northwest Territories;
- (iii) the deputy commissioner be appointed by the commissioner with the consent of the minister;
- (iv) at an appropriate time the deputy commissioner be chosen from among the elected members of the legislature;
- (v) the deputy commissioner be capable of receiving power delegated by the commissioner.

We envisage that the office of deputy commissioner will grow into the office of provincial premier. This change would occur when the commissioner in his discretion (or on instructions from the minister of Northern Affairs) appoints a deputy commissioner who has the confidence of the legislature, in the parliamentary sense, and the commissioner elects not to attend the sessions of the legislative assembly. We envisage also that the deputy commissioner would normally be appointed to the executive council.

(c) The Executive Council

We recommend that

(i) there be an executive council;

(ii) the executive council be composed of such persons

as are appointed during the pleasure of the commissioner;

(iii) a member of the executive council not be required to be an elected member of the legislative assembly in order to qualify for appointment;

(iv) the executive council be presided over by the commissioner;

(v) each member normally be charged with the administration of one or more departments in the territorial government;

(vi) the executive council coordinate finance, prepare the budget, prepare legislation in principle, and generally tender advice on any territorial matter on which the commissioner should seek advice;

(vii) the salary of members of the executive council be determined by territorial legislation.

We envisage that eventually the executive council will be composed entirely of persons elected to the legislative assembly by a time coincident with the evolution of the offices of lieutenant governor and premier as set out in the preceding sections. The number of members of the executive council should remain small, although the number will be affected by the number of departments.

(d) The Legislative Assembly

We recommend that

- (i) the name of the council of the Northwest Territories be changed to the legislative assembly of the Northwest Territories;
- (ii) the ordinances of the legislative assembly be designated statutes;
- (iii) the legislative assembly be composed of 18 persons, 14 elected and four appointed by the commissioner during his pleasure, all members to have the power to vote;
- (iv) the territorial franchise be extended to all qualified citizens over the age of 19;
- (v) the legislative assembly sit in the capital;
- (vi) the legislative assembly be subject to a statutory provision that there be an election at least every five years, and that normally the legislative assembly be dissolved after four years;
- (vii) in addition to the powers that it has at present, the legislative assembly have all the powers of a provincial legislature, subject to the following exceptions and qualifications:
 - (A) that it not be given in general terms power to amend the constitution of the Northwest Territories, but that it retain such parts of this power as it already has, and that, in addition, it be given the power to set the indemnity of its members upon the

recommendation of the commissioner;

(B) that its powers in relation to financial matters (borrowing of money, consolidated fund, auditing of accounts and ancillary subjects) remain as they are after the 1966 amendments to the Northwest Territories Act;

(C) that its power over the management and sale of public lands affect only surface rights, the appropriation of certain of which is recommended elsewhere in this report;

(D) that its power over the administration of justice be qualified by a provision in the Northwest Territories Act that takes into account the continuing jurisdiction of the federal parliament over the administration of justice for the Territories as it may function outside the geographic limits of the Territories (for instance, the vesting of appellate jurisdiction in judges of other provinces or of the Yukon).

The number of 18 for the size of the legislative assembly at this time was derived as follows. Because of the lack of normal communication facilities and the great distances between settlements, a member of the legislative assembly will likely feel considerable pressures to spend time in each settlement within his constituency listening to the views of the people and telling them of the work of the legislative assembly. This process is bound to be more time consuming in northern settlements than in most towns in southern

Canada because of language barriers and lack of normal news media. For this reason we recommend a higher representation than would be determined by southern standards. We considered that it would be appropriate that there be a member for every 2,000 persons resident in the Northwest Territories. At the present size of the population, this formula would produce the number 13. We, however, recommend the creation of seven major departments, and we considered that there should be no less than double this number of members. This produces the number 14. At the present rate of increase in population, it will not be long before 14 members are justified on the basis of the first formula. We therefore accept this latter figure.

Ideally in a unicameral system of responsible self-government there should be no place for members of the legislative body appointed by the state. We recommend, however, that appointed members be retained in the legislature and that the question be reconsidered by the minister in five years. As to the number of appointed members, we considered it appropriate that there be a reduction in the present number of five as a mark of the policy that eventually the legislative assembly be fully elected. However, on the basis of the recommended structure and function of territorial government, there is much work to be done in the discharge of public responsibility in the immediate future, and an immediate major reduction in the number of appointed members

might give the commissioner too few alternatives in putting a government together and administering the public affairs of the Territories.

It is a recurring theme of this report that the social structure of the Northwest Territories is unique. The extension of the franchise will give a vote to all adult Indians, Eskimos and whites. Until the 1966 amendment to the Northwest Territories Act the Eskimos were virtually without a vote in territorial elections. They have had a franchise only in three federal elections. The Indians have always returned a white man to the council. With the extension of the franchise and the enlargement of the legislative body, a significant proportion of the legislature may be composed of indigenous persons of limited experience with the legislative process. In addition, all the experience on the council to date has been in the Mackenzie. We discovered opinion to be divided on the question of the presence of appointed members on the present council, and we found considerable indifference; if anything, a majority view tended to favour their retention. We believe that there is still an important role to be played by appointed members, but that their retention should be reviewed in five years' time. We recommend five years hence because that should coincide with or follow the next general territorial election after the election which returns for the first time a council enlarged to 12.

The role which appointed members can play in the legislative

assembly is to bring experience with parliamentary procedures; their role in government may be to bring additional administrative skills to public office. It is relevant that the general texture of northern society is inexperienced in the ways of responsible government. There is a lack of pressure groups normally to be found in the south, except the churches and municipalities, and no institute of higher learning. The commissioner may feel the need to draw, in the beginning years of a reformed government, on the talents of appointed members for the executive council, and more particularly for the department of economic development, should the commissioner cease to be secretary of that department. And there will be language problems in the legislature which will require patience with and understanding of the legislative process. We think, in balance, appointed members from the south still have a valuable role to play in the emergence of responsible government in the Northwest Territories. We say "from the south" because if a person resident with the Territories is willing to serve in the legislative assembly we consider that he should stand for election to the newly constituted assembly.

Of all the political jurisdictions in Canada, we consider that the strongest case can be made in the Northwest Territories for a reduction in the voting age from 21. Life expectancy in the north is shorter, and if people are to have an opportunity to participate in

the public life of the country as fully as in the south, the voting age must be lowered. Social maturity is arrived at earlier in the north: many a 14 year old is a breadwinner and is expected to be so; the average age of marriage is younger than in the south. An argument that might be advanced generally against lowering the voting age is that persons younger than 21 are not ready to accept full responsibility for their opinions and actions, and are ignorant of many matters relating to public affairs. In fact in the north many young people are far more knowledgeable than their elders in matters of public concern and in the operation of the institutions of responsible government, and generally in matters affecting Canada as a nation. The voting age in two contiguous provinces is now 19. We recommend that the voting age in the north be lowered to 19.

The sixth postulate posed earlier in this report raises the question whether the claims of indigenous peoples to participate in their government would be better insured by statutory arrangements, such as securing a specified number of seats for native Indians and Eskimos, or whether the protection of their interests should be left to the normal operation of democratic institutions. We cannot predict how the native peoples will participate in political institutions or how long the councils of government will be dominated by whites. But

we conclude, in balance, that the privileges of participation should end with the principle of "one man, one vote". What the citizen does with his vote is something that he must determine for himself.

As in the case of establishing the government of the Territories within the Territories, we do not expect that the extension of the franchise and the enlargement of the legislature will provide quick solutions to fundamental problems. Indeed, it is not inconceivable that self-government could aggravate grievances and encourage covert grievances to become overt. Further, there will be real problems in communication: campaigning for election, particularly in the east, may be difficult; the role of radio will increase in importance; the public press may feel pressure to print, in part at least, in several languages; and in the legislature itself there may well develop a need for translation services. But these are part of the price of self-government, and it is not within the power of anyone to relieve the people of the north from the burden without attenuating the role of self-government.

(e) Administration; the Civil Service

We recommend that administrative functions be transferred to the territorial civil service on a specified schedule as soon as practicable.

We would not consider it unreasonable that the major transfer be completed within two years.

It is essential to the scheme of responsible government contemplated in this report that administration be transferred from the central to the territorial government. The territorial government already has a nucleus of a civil service.

One of the risks seen by the commission of maintaining the Northwest Territories as a political unit is that there may be a reluctance to transfer territorial duties expeditiously throughout the entire jurisdiction. This risk should be avoided if the transfer is accepted as a positive facet of the development of government in the north. By agreement between the central government and the territorial government, it should be feasible to arrange for the voluntary transfer or secondment of federal civil servants to the territorial civil service without loss of privileges within the federal civil service. If federal and territorial functions should be performed by a single officer, and if a substantial part of the functions are of territorial competence,

it is preferable that the officer hold a territorial appointment.

We believe that the transfer of experienced public servants, coupled with the careful hiring of northern residents, will do much to attain the stability of administration which will be necessary to give residents confidence in their government.

Another facet of the relationship between the administrator and the citizen which should be considered by the territorial government is the question of northern allowances and subsidies. Rather than operate a scheme of payment that may appear to give special favours to non-permanent residents employed in the north, there may be advantage in the payment of salary increments in lieu of allowances and subsidies, and in offering terms of employment which would encourage civil servants to purchase their own homes with a guarantee against loss. To secure continuity of service that will be a necessary adjunct of stable government and administration, it will be important that administrators, and teachers, should wish to stay in the north for longer than a brief tour of duty.

(f) Economic Development

The characteristic of the Northwest Territories which has concerned your commissioners at least as much as the form of government is the state of economic development for residents of the north. It is a cold statistic that the average income of the Indian and the Eskimo is one-sixth that of the national average, that the infant mortality rate is more than four times the national average, that the life expectancy of those who survive infancy is decades shorter than that of the white man, that the percent of the uneducated element in the labour force, mainly Indians and Eskimos, is 24 times higher than the national average. These statements are a translation into impersonal statistics of packing-case houses, of tents and igloos, of primitive sanitation and bad water, of pernicious illness, of persistent coughing, of infants' coffins, of young men languishing in unemployment, of increase in juvenile delinquency (an inheritance from the urban world of the white man), of a demand for greater police services stemming, to a large degree, from a liquor problem that may itself be an adjunct of unemployment, and other indicia of depression and demoralization. The Department of Northern Affairs since 1953, and other federal government departments, have accomplished much to their great credit in developing the present educational system, including the creation of hostels, in

providing housing, in establishing and staffing hospitals and nursing stations, in administering welfare, in encouraging industry among the indigenous peoples, and in many other respects. But the fact remains that the people of the north are economically depressed virtually to a subsistence level; yet the land harbours wealth in natural resources. This is one of the major paradoxes of the north.

Section 9 of the federal statute that created the Economic Council of Canada in 1964 states that "It shall be the duty of the Council to advise and recommend to the Minister how Canada can achieve the highest possible levels of employment and efficient production in order that the country may enjoy a high and consistent rate of economic growth and that all Canadians may share in rising living standards". Clause (g) of the same section instructs the Economic Council "to study how national economic policies can best foster the balanced economic development of all areas of Canada." The First Annual Review of the Economic Council of Canada (December 1964) at page 25 states: "Ever since Confederation the notion of 'balanced regional development' has been an implicit, if not explicit, objective of economic policy." Page 185 of the same report reads: "The dominant challenge in Canada's medium term economic horizon is that of providing very rapidly expanding employment opportunities in increasingly productive, and therefore more remunerative, activities."

The Second Annual Review of the Economic Council of Canada

(December 1965) at page 141 states: "It will also be recognized that regionally balanced economic development as defined in this review is a long run goal." And at page 176 of the same report the Council states as one of a number of "fundamental criteria for action":

(4) The recognition of the urgent need to make available additional financial resources to the government of the lower income regions and through the appropriate federal agencies in order to help break the vicious circle of low productivity, low incomes, low government revenues and low investments in growth promoting services which are needed to improve the quality and effective utilization of the available human and material resources - in particular, education, training, research, health, transport facilities, resource and industrial development, and the development of wider markets.

Canadian economic policy is clearly stated in the above passages, and equally clearly is appropriate to the Northwest Territories. It is, of course, a matter of judgment as to what is the short, the medium and the long term, and what should be their goals. But the north has already had a long term of economic depression, and in the opinion of your commissioners an accelerated program of economic development should be started now. It is all very well that people should be free to work out their own destiny; but freedom without opportunity will produce a destiny predetermined by those who, having the means, withhold the opportunity.

If the Northwest Territories remains underdeveloped and a large proportion of its residents are committed for an indeterminate time to living in economic depression, the case can be made not that "the east is holding back the west", but that the north will hold back the south. The state of the northern economy could become an economic obstacle to development of Canada as a whole.

There is a more ominous and possibly more insistent reason for wasting no more time in developing the economy of the north, and doing so in a manner that genuinely offers hope of economic opportunity to the native peoples. At the present time there are some 10,000 comparatively well-to-do whites in the north, and some 15,000 impoverished natives. Unless there is a major economic development in the north, and unless there is a major change in the manner in which the north is viewed from the south, there is not likely to be a significant movement of whites into the north in the near future. The birthrate of the indigenous peoples is going up and the death rate down. The indigenous population could well double in less than two decades. A large part of the power structure in the north - especially on the basis of universal manhood suffrage - will be of indigenous origin. The passive role of indigenes throughout the north is disappearing, as it has disappeared in other nations throughout the world. What does this mean for the north and for

Canada as a nation? The condition of the native people is improving. But the gap between the economic condition of the native and that of the white man may well be widening. The potential for serious political trouble is here, now. The presentation of a viable economic future for the northern peoples may be the only effective alternative. Certainly an effective solution to economic depression is to be found not in seeking merely to alleviate the manifestations through relief and other payments, but in seeking to treat and to remedy the causes. In short, this country must see to it that there is a satisfactory union of educational and economic opportunity in the north without delay.

We recommend that

- (1) there be a department of economic development and finance within the territorial government;
- (2) initially the secretary of economic development and finance be the commissioner of the Northwest Territories;
- (3) there be created a Northwest Territories Development Board composed of representatives of federal and territorial government administrations and the Economic Council of Canada;
- (4) there be established a Northwest Territories Development Corporation; and
- (5) there be regional economic planning, and a close

coordination of federal and territorial governmental economic activities in the Northwest Territories.

In all the advice on economic development which we received, there runs the common thread that there is a need for regional economic planning and development in the Northwest Territories. Programs of this kind may be found in virtually every province; in the Atlantic region there is an inter-provincial program under the Atlantic Development Board. We recommend the adoption of the policy of regional development in the Northwest Territories and coordination of the activities of economic import of federal and territorial governments to maximize the economic advantages that may be derived from expenditures from the public purse.

To this end we recommend the creation of a Northwest Territories Development Board. We envisage the activities of this Board to be the key to northern economic development, with an important assist to the private sector from the Northwest Territories Development Corporation.

The two principal groups who should be represented on the Development Board are the senior civil servants (assistant deputy ministers and division chiefs) of the federal government departments which are responsible for making plans and spending money in the north, and their counterparts in the territorial government. We

recommend also that there be represented on the Board the Economic Council of Canada and the Advisory Committee on Northern Development.

We recommend further that the Board be chaired by the secretary of economic development in the Northwest Territories government.

We recommend further that the Board have a permanent secretariat in the Territories which would constitute all or part of the staff of the department of economic development in the Northwest Territories government. The Board would meet where and as it might determine and could delegate continuing functions to the secretariat.

The Board would be responsible for preparing plans for economic development in the Northwest Territories on a regional and territorial basis. To this end the Territories must be divided into regions. We recommend that the boundaries of these regions be determined on the recommendation of the Development Board after study. The regions must be small enough to be homogeneous and small enough that planning activities on the ground will be effective. They also must be large enough to provide manoeuvrability in executing plans for economic development and to maximize the range of solutions to problems of economic development.

Within the regions there must be machinery for making an economic assessment at the grass roots level, or what one of our advisers called the lichen level. We envisage that this regional assessment

should be made in the first instance by a regional organization, which may be called a regional council, composed of federal and territorial field representatives and regional citizens' groups, with specialist assistance. The regional council would be the creature of the Development Board. It could well be chaired by a member of the secretariat, who would be a territorial civil servant. Regional economic analysis would not necessarily be a continuing operation; if the initial job is well done, further activity may be limited to periodic review.

Regional reports would be sent to the secretariat which would place the reports in the hands of the four components of the Development Board, federal government representatives, territorial government representatives, the Advisory Committee on Northern Development and the Economic Council of Canada. The Board would prepare plans for economic development which would be transmitted to the commissioner of the Northwest Territories (so long as he is his own secretary of economic development, which we recommend at least at the outset of this program, formal transmission would be redundant) and to the deputy minister of Northern Affairs. The commissioner and the deputy minister would be accountable to the minister of Northern Affairs and in the ordinary process of

administration would be charged with involving the territorial executive council and the assistant deputy ministers respectively as they consider it appropriate. We suggest that the precepts on which this report is based might also provide a basis for a statement of objectives by the Development Board.

The Hedlin-Menzies report recommends the establishment of a fund of \$50,000,000 divided into a special fund of \$20,000,000 as a "catch-up" fund for programs in such matters as housing, schools and medical centres, and a development fund of \$30,000,000 to be expended over a period of time. On the scheme which we recommend, the establishment of a fund to be at the disposal of the Development Board would not be appropriate, inasmuch as expenditures would occur through federal and territorial departments on a planned and coordinated basis. However, we stress that a comparable sum of money must be located in the budgets of the respective departments if any progress is to be made in the economic development of the north. We recommend later that a Northwest Territories Development Corporation be established with a fund of \$10,000,000.

One of the important ingredients in the program for regional assessment is the regional citizens' group. In the part relating to the department of local government we recommend the creation of

local councils in communities and settlements for purposes of local government. We recommend that the citizens' groups within a region be composed of nominees of local councils and town and village councils within the region.

The regional assessment to be prepared by the regional council lies at the base of regional planning. The work at the regional level must be of a quality to make it useful to the Development Board; it is essential that the assessment be effective. To this end we recommend that some specialist assistance be made available to the regional council. This special assistance should be tapped wherever it can be reached: under the Agricultural and Rural Development Act (ARDA), in the Area Development Agency (ADA), in the National Research Council, in the Defence Research Board, in the Science Council, and in the universities. The involvement of federal agencies in the affairs of the Northwest Territories should also help to regularize the relation between the Northwest Territories and the rest of Canada; their participation would at least be a symbol of acceptance by the Canadian south of the Canadian north as a real part of the Canadian nation.

If sufficient funds are available in the budgets of the relevant federal and territorial departments it may not be necessary to extend the program of ARDA to the Northwest Territories. However, an association with the ARDA program could be most useful in allowing

the regional council to take advantage of the expertise to be found within the staff of ARDA. The same is true of the other federal government agencies referred to above.

A number of universities have a special interest in the north. One of the most important assessments to be made at the regional level is a thorough-going manpower survey, in order that the Development Board might get the full measure of the human resources of the north. This and other studies, such as industrial feasibility, or the location of permanent dwellings, could be assisted or undertaken by universities in the south. In addition, long range research might be commissioned by the Development Board from universities. . Activities of the foregoing kinds could well have the additional effect of interesting young university graduates in the north. Consideration might also be given to directing the energies of the Company of Young Canadians to the program of the regional councils.

The Advisory Committee on Northern Development was established in 1947 to foster the coordination of activities of federal government departments in the north. The following is an extract from the report of the Glassco Royal Commission on Government Organization part 22 on Northern Affairs at page 178:

With the post-war expansion of government operations in the North, the need for co-ordination

was formally recognized, almost as soon as it assumed serious proportions, by the establishment in 1947 of the interdepartmental Advisory Committee on Northern Development. The stated task of the Committee is to advise the government on questions of policy relating to civilian and military undertakings in northern Canada, and to provide for the effective co-ordination of all government activities in that area. Since the formation of the Department of Northern Affairs and National Resources in 1953 the Deputy Minister of that Department has been Chairman of the Committee, and the secretariat has been incorporated in the Department.

The achievements of the Advisory Committee have fallen short of the original hope, although there has been some success in limited functional areas through the efforts of active subcommittees. The principal difficulty lies in the fact that the initiative in referring departmental plans to the Committee, in sufficient time to permit full assessment of their relevance to other projected activities and the adjustment of plans where appropriate, rests with the individual departments. Moreover, as its name suggests, the Committee can only advise. The Minister of Northern Affairs and National Resources has, it is true, a statutory responsibility to "co-ordinate" all government activities in the territories; but this carries with it no power to compel compliance with his wishes.

The solution of the problem, as of so many others, is dependent on collective action, with the Treasury Board taking the initiative. The only practical way to achieve coherence in federal activities is by examination of the mutual impact of programmes when they are submitted for approval. In the past, Treasury Board itself has been limited in this role by the weakness of long-term planning, which has meant that proposals relating to northern operations have had too often to be considered precipitately in order that seasonal shipping and construction deadlines might be met. With the adoption of recommendations submitted in the report on Financial Management, involving greater emphasis on forward planning, it should become possible for the Treasury Board to make more effective use of the Advisory Committee.

The Committee originally was composed of deputy ministers, but in recent years nominees have taken part in its affairs. The effectiveness of the Advisory Committee on Northern Development appears to have been directly related to the participation of deputy ministers. It would seem appropriate at this time that the Advisory Committee on Northern Development resume its former composition and that it be represented on the Northwest Territories Development Board. The section of the Advisory Committee on Northern Development whose work would be most relevant to the work of the Development Board is the Northern Coordination and Research Centre. The availability of a thorough economic appreciation of the north should be a considerable aid to coordination of federal departments.

The Economic Council of Canada should also be represented on the Development Board. The Council has a working relationship with provincial economic councils and a direct relationship with the Atlantic Development Board. Being a Council of nationwide purview, it could be particularly helpful to the work of the Development Board. It is essential that the potential of the north be viewed in relation to the rest of the country, and with the presence of the Economic Council of Canada there would not be a need at this time for the creation of a Northwest Territories Economic Council to advise the

commissioner. Furthermore, in the event of any possible conflict between federal and territorial interests, the Economic Council of Canada could function as an unimpeachable referee.

As federal government activities are transferred to a territorial government, the role of territorial government representatives on the Development Board would increase in significance. However, so long as the federal government performs activities in the north which in the provinces are normally performed by provincial authorities, and so long as the government of the Northwest Territories is heavily dependent on federal funds, as it undoubtedly will continue to be well into the foreseeable future, it is essential that the federal government play a definitive role in the affairs of the Development Board.

We recommend the creation of a Northwest Territories Development Corporation as a territorial corporation with an initial fund of \$10,000,000. We envisage that the Development Board would operate in the public sector of the economy. Obversely, we envisage the Development Corporation acting in the private sector. Its role would be to give management assistance and advice, make feasibility studies to attract new industry, provide physical and service facilities, both commercial and domestic and quite possibly of a tertiary industrial nature, and to make loans and guarantees. The Corporation would be concerned principally with fostering the development of

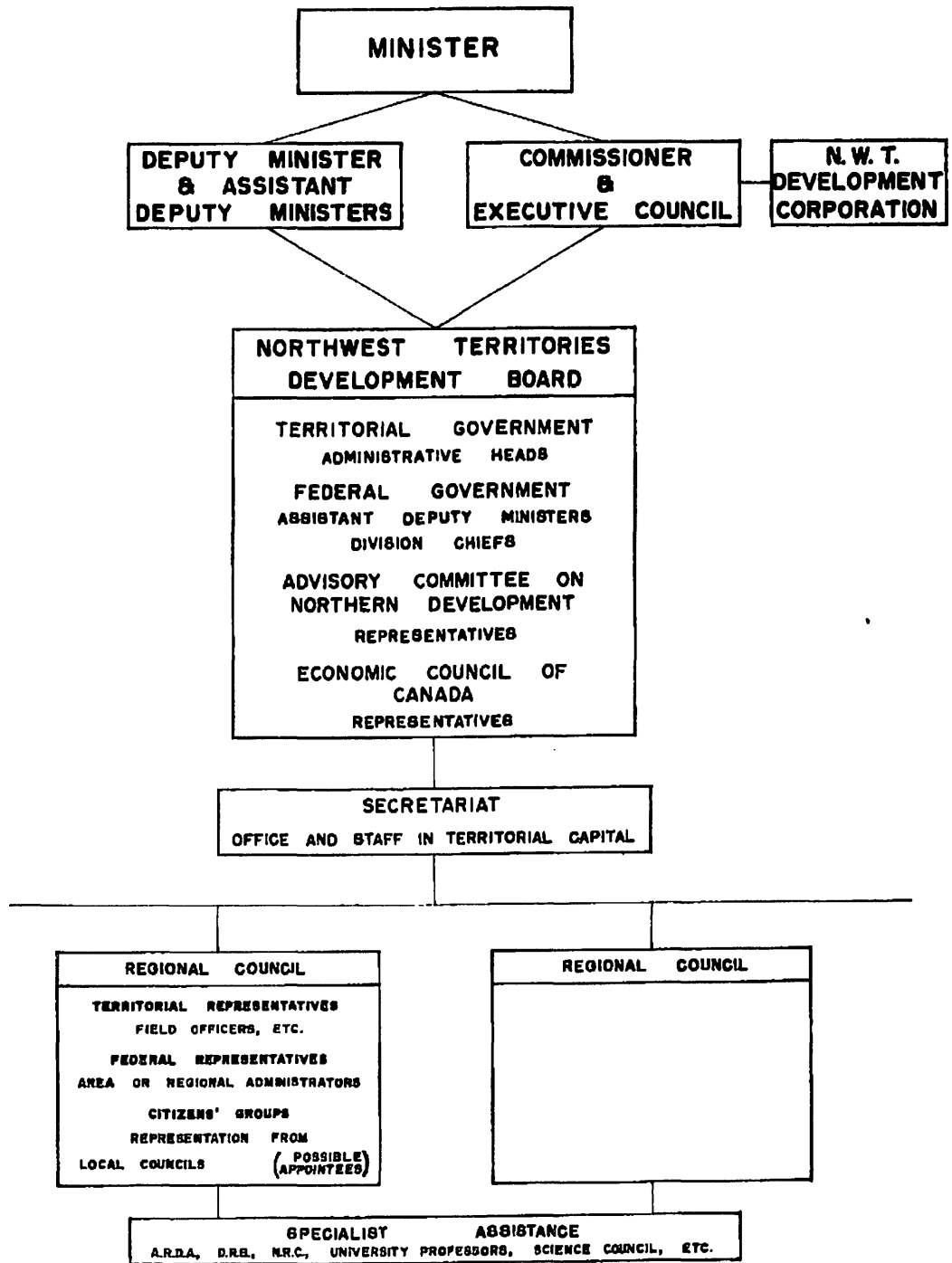
secondary industries, although its activities must be coordinated with those of primary industries which we foresee remaining principally under private enterprise; the latter in turn would stand to gain by the assessments made by the Development Board.

The Development Corporation would have a board of directors consisting of representatives of the territorial and federal governments and leading figures in the fields of business and finance. The commissioner of the Northwest Territories should be a member of the board of the Development Corporation but should not be the chairman. The Corporation should report to the commissioner.

There are advantages to creating the organization as a territorial corporation distinct from a government department or division. It would correspond in form to the corporate form of many of those with whom it will be working. It would have greater flexibility. It could operate as a commercial endeavour outside the framework of government administration. The corporate form for this kind of operation has been well tested elsewhere in Canada and in other countries: it has proven up under its own feasibility study.

Attached is an organization chart of machinery for economic development as recommended in this section.

ORGANIZATION CHART OF MACHINERY FOR ECONOMIC DEVELOPMENT



(g) Department of Local Government

We recommend that

- (1) there be a department of local government;
- (2) there be a simple procedure for incorporation of communities and the creation of local community councils;
- (3) there be established a cadre of local government advisers;
- (4) there be established an institute of public affairs.

The recommendations in this section should be read in conjunction with the recommendations on the departments of economic development and finance and of education.

As stated earlier, the opinion expressed most uniformly throughout the territories was that the seat of government be moved into the Territories. The clear desire was to bring government closer to the people being governed. The few opinions expressed in the east that supported division were based on a desire to bring the government even closer. Consonant with this thinking, we found the opinion fairly prevalent that public responsibility should be even more localized. For similar reasons we found communities without a senior administrator requesting that one be appointed; others wanted the power of the local administrator increased in order that decisions could be taken in the community; yet there were on occasion statements of apprehension of the power of the white official. All this we interpret to reflect, in

part at least, a desire for more effective communication between the government and the governed. It also reflects an awareness of the power structure of white man's politics. More particularly, it reflects a strong desire, among both indigenes and whites, for local self-government and for political responsibility. It is another "Alice-Through-the-Looking-Glass" anomaly of the north that the franchise has come to the northern peoples in the reverse order to that by which governments historically have grown. Northern residents have for some time had a vote in federal elections. The territorial franchise was not extended to all residents until 1966, and at the time this report is being written an opportunity is yet to be presented for the exercise of this franchise. In most settlements of the north there is not yet established a form of local government in any sense in which the term is used in the south.

We consider that a continuing and intensified program for the development of local government, in which all residents can be offered the opportunity of a meaningful role which they can understand, is crucial to the economic, social and political development of the north. In a sparsely populated country where the population is polarized into many small communities between which communication is not easy - what has been described earlier as pinpoint development - decentralization of government is of first importance. Local problems

handled locally run the best chance of being solved expeditiously and appropriately. In terms of education, too, local government (including, where feasible, a local school authority) has an important role to play in the north at this time. It is a means by which people can perceive a relationship between problems and their solutions; and for people who have been obliged to rely on welfare and other unearned income - who view "government" as "people who look after others", and to whom "if" means "when" - participation in local government may be a most significant means to responsible citizenship. Experience in public affairs at the local level provides a means to a greater interest in broader public issues and offices at the territorial and federal levels.

The cooperative movement - production, consumption, marketing and credit cooperatives - should be recognized as part of the development of local government. Cooperatives in the north are dependent on the government for support. They have been initiated and sustained by whites; but the indigenous peoples are becoming more active in their affairs. The cooperative helps to establish equality of the native, and at the same time may provide him with a comparatively easy means of transition from the traditional northern socio-economic units of the band and the camp to the somewhat more heterogeneous communities which will

characterize northern living for some time.

As indicated in part C, there are at the present time five levels of municipal development in the Northwest Territories: unorganized settlements, development areas, local improvement districts, villages, and towns. In an unorganized settlement there is no form of local government as that term is normally used. As implied in the designation, there is no corporate structure or boundary. There may be a local "advisory committee", of no official status, which makes representations to the federal officer in the area. In a development area there likewise may be a local advisory committee. The development officer administers regulations designed to ensure orderly development consistent with proper land use, with a view to future development. The officer, who at present is normally a federal civil servant, is not a member of the advisory committee, but confers with it. Nor is a local improvement district a form of responsible local government. In practice, a local improvement district is established at the discretion of the commissioner when he is satisfied that local conditions warrant a financial contribution by local owners or occupants of land toward the cost of local services. The advisory committee still only advises through the local administrator. Villages and towns follow the structure of local

government in the south. Both are self-administered. A village council is composed of elected and appointed members in equal numbers. The council prepares an annual budget by which is determined the mill rate for local taxes. A town council is fully elected and is presided over by a mayor. It has full responsibility for town planning and municipal development. At present there are two towns (Yellowknife and Hay River), one village (Fort Smith), one local improvement district (Fort Simpson) and five development areas (Inuvik, Frobisher Bay, Enterprise, Norman Wells, and Pine Point).

The Department of Northern Affairs has a community development program designed to encourage local decision-making. The program is supported by a community development fund over which the local council has a certain jurisdiction.

With the transfer of jurisdiction from the federal to the territorial government which we recommend elsewhere in this report, we believe that the time is propitious to reorganize the structure and operation of local government.

In our view there should be a simple procedure, to be administered by the department of local government, for the formalization, at the settlement level other than the town or village, of local government, advisory councils and community councils. A process of certification could establish the boundaries of the settlement for local government

purposes and confer the right in law for the residents to elect a local council. The question of taxation need not necessarily arise; to the contrary, settlements doubtless will continue to require access to a fund comparable to the community development fund. The council could have both a decision making and an advisory function; and the scope of its jurisdiction could be subject to extension by administrative act within the department of local government in cooperation with other departments having responsibility in the community.

We envisage that one of the first functions of the local council would be to assist in the work of the regional council by appointing a nominee to the citizens' group of the regional council and by such other manner as the regional council may find useful. After the completion of the work of the regional council, there would be a continuing role for the local council to play in local affairs generally. We do not consider that the pin-point development of northern settlements is conducive to the development of regional government. We envisage a small number of large units for economic planning, but a large number of small units for the development of local government.

We envisage that the chairman of the local council will be required to give considerable time to the affairs of the community, particularly if the council should nominate him to the citizens' group

of the regional council. We therefore recommend that the office of chairman of the local council carry a commensurate honorarium.

In settlements in the west which are predominantly Indian, where the residents are accustomed to a form of government through elected or hereditary chiefs, it should be a comparatively straightforward matter to adopt the system of the local council. In settlements in the north and east which are predominantly Eskimo, there is not the same tradition of government; there is, nonetheless, a contemporary experience with advisory councils, community councils, and cooperatives. Members of the white population of the Territories should have no difficulty in adapting to this form of local government.

The development of local government as envisaged in this report will have to take place contemporaneously with the continuing administration of territorial affairs by federal officers and, with the transfer, by territorial officers. There is a risk that the goal of development of local self-government will become confused or identified in the minds of residents with the authority of the federal or territorial administrator. As a means to preserving the program for local government, we recommend the establishment of a small cadre of highly-trained itinerant local government advisers to work with the residents in the settlements, and in due time with local councils, within regions designated for the purpose. We envisage that the local

government advisers would constitute the field staff of the institute of public affairs, which is discussed in the next paragraph.

We have elsewhere recommended the establishment of a Northwest Territories Development Board on a permanent basis for the continuing economic development of the Northwest Territories. We believe that political development requires the same continuing attention on a comparable basis appropriate to the political interest. To this end we recommend the establishment within the department of local government of an institute of public affairs. We specify the department of local government because we perceive the role of the institute of public affairs to be sufficiently different from the educational program designed for the jurisdiction of the department of education, and sufficiently identified with grass roots political education, that it is most appropriate that the program be developed under the department of local government. As implied in the preceding sentence, we perceive the function of the institute of public affairs to be educational. With a small staff with backgrounds in political science and anthropology, and if possible with an intimate knowledge of the north, it would offer a flexible program, oriented to the north, in public affairs and allied fields, to civil servants, persons elected to public office, indigenous leaders, and young persons of promise. Attendance would be voluntary, and qualifications would

be minimal. We recommend that those who take advantage of the program be paid an amount calculated to compensate for economic loss which attendance might involve. We envisage that the program would be residential and located in the capital, although it might well be itinerant to a degree. We envisage also that participation in its program would be encouraged by local government advisers in their capacity as field staff of the institute. The possible structures and programs of the institute of public affairs are numerous; it does not appear useful to elaborate the hypotheticals in this report.

There is much precedent in Canada for a program such as that recommended for the institute of public affairs: such institutions as Frontier College, the Canadian Labour Congress Labour College and other regional educational programs within the labour movement, and the vocational school at Fort McMurray offer successful prototypes, from the study of which much could be learned for the institute's structure and program.

(h) Department of Education

We recommend that there be a department of education.

Much of the efficacy of the department of economic development and finance and the recommended developments in regional and local government - together the keys to economic, social and political development of the north - will depend on the educational program of the north. Education is, in effect, the touchstone to the future, not only for the young who fall within the normal school age bracket, but for their elders, who should have available to them a program of adult education, of which community development is a part. We found in our hearings an apparently spontaneous recognition of a relationship between education and self-government.

A program of adult education is necessary if the government is to avoid a policy of "writing off" a generation or two of native people; adults as well as young people should be given the opportunities of education. Adult education may be the key to leadership training, social integration, public health, and participation in government. It is also necessary that adults understand the educational needs of children in the community in order that the environment may be conducive to serious study.

We recommend that the territorial government institute a crash program of university education for selected Indians, Metis and

Eskimos. Well educated indigenous people are sorely needed in the north. In order to make up for lost time we believe that an investment in the university education of a well selected corps of young people will repay handsome dividends in the development of the north.

There are a number of matters respecting education which we regard to be on the fringe of our terms of reference. We record them here because they clearly are of concern to northern residents. We refrain from making recommendations in respect of them in the belief that judgments best will be made and decisions best taken by others. These matters include the role of the major missions, the selection of the school teacher by his religion and the religion of the majority of his pupils, the hostel system, the use of native languages for instruction, pre-school language training (similar to Operation Head Start; the Company of Young Canadians might find an acceptable outlet for its potential in this area), the role of native teachers and teacher assistants who may not be fully qualified from a pedagogical point of view, the establishment of a teachers' college, and the role of closed circuit television and correspondence courses.

(i) Department of Welfare and Social Services

We recommend that there be a department of welfare and social services.

With the transfer of functions from the federal to the territorial civil service, and particularly the transfer of welfare administration, we consider a department such as this necessary to the administration of public affairs in the Northwest Territories.

(j) Department of Public Works

We recommend that there be a department of public works.

We envisage that the department of public works would assume in part at least some of the field services and staff of the engineering division of the Department of Northern Affairs. Should the department be too small to warrant a full time secretary, consideration might be given to charging a member of the executive council initially with the administration of more than one department.

(k) Law Enforcement and the Judicial System

We recommend that

(i) there be a department of justice; and

(ii) territorial magistrates and other judicial officers whose jurisdiction is equivalent to that of judicial officers appointed in the provinces by provincial authority be appointed by the commissioner of the Northwest Territories.

The enforcement of the law is important to the social and political development of the north, because it constitutes the cutting edge of social values. The territorial council recommends that there be an attorney-general, and justices of the peace, and that policing of the Northwest Territories be done by a force predominantly made up of northerners with appropriate Eskimo and Indian proportions. But these recommendations, with respect, do not touch the vital question whether the indigenous peoples should be subject to the same laws as the white population, particularly the criminal law. Is there a fundamental difference in the value systems of the indigenous peoples from the values that have shaped the white man's laws so as to justify two legal systems, and is it feasible or politically acceptable that there be two sets of laws? On this question we received not one brief, submission or oral representation.

"Government" in its broad sense means more than the forms of government. It includes the administration of government and the laws of the land, which are the proper province of government.

In this respect it is meaningful to speak in this country of the supremacy of parliament - supreme over the executive, which is accountable to parliament; and insofar as parliament has power to amend and repeal laws which are administered through the courts, it can also be said that parliament is supreme over the judiciary, although questions of constitutionality of legislative and executive action give the courts a certain power of review over the actions of parliament, the legislatures and their agencies.

The administration of justice can in this sense be said to be part of government. We stated earlier in this report that we sought to obtain opinion on the impact of forms of government on the indigenous peoples and the impact of the indigenous peoples on forms of government. But no one has yet written the equivalent for the Indian and the Eskimo of the Canadian north of the compilation by Henry Rink in the 19th century of customary laws among the Greenlandic Eskimos. Studies of this dimension require the dedication of years of a highly intelligent

and highly educated social scientist; and to be useful for the present purpose, the studies must be contemporary. There are many competent and articulate students of the north. But the north is so diverse that a pan-Arctic or pan-northern study in depth of the value systems of the peoples of the north and their relationship to the administration of criminal and civil justice is beyond the reach of most men; it certainly is beyond the scope of this commission.

Laws are by nature generalizations. A good law is one which reflects, and is designed to protect, the common interests and values of society. A common legal system presumes a common value system. Before one can recommend responsibly that there be a separate system of criminal law for a group within a larger community such as the Eskimo and the Indian, one must be satisfied that the group has a value system or systems that is or are at odds with the one on which the criminal law is premised, that the value system or systems ought to be preserved, that an appropriate law can be articulated, and that it is both practical and politically acceptable to have a dual system of law. In our judgment, prima facie, two sets of substantive criminal law, one of general application, the other to be applied to a small segment of a small ethnic group, would be quite unworkable; in addition, it could be regarded as a precedent on which other ethnic groups within Canada could seek to establish a

claim to special treatment. It may be possible, within a common system of criminal law, to take special precautions to see that the law is administered in such a manner that the values of the indigenous peoples are respected and to see that procedural injustice is not committed by inadvertence. One suggestion received by the commission is that there be special counsel appointed for Indians and Eskimos. But the case for two systems of law, which we consider is not now strong enough to accept, will get weaker as time passes and as the administration of territorial affairs generally reaches people in the outlying camps. Again, education holds a key to a long run solution to a question to which your commissioners see no satisfactory short term answer.

It may be noted that in Greenland, although the customary laws of the Greenlandic Eskimo played an important role in the administration of justice, the substantive provisions of the present criminal code are identical with those of the Danish code; deviation occurs at the point of penalty. In respect of most penalty provisions in the Canadian Criminal Code, the judge has power of discretion.

(1) Department of Lands and Resources

We recommend that

(i) there be a department of lands and resources, with jurisdiction over game, forestry, agriculture and surface rights to land in and adjacent to settlements; and

(ii) there be a land titles office in the capital.

5. Relationships Between the Territorial and Federal Governments
Not Considered Elsewhere

(a) The Quinquennial Financial Agreement

At the present time the government of the Northwest Territories is provided with a five year agreement set up in a special account of the consolidated revenue fund of the federal government. Until now the plan on which the budget is based has related only to Mackenzie district. If our earlier recommendations are accepted, the plan in future must cover the entire Northwest Territories. Indeed, it is essential to our recommended scheme of government that the affairs of residents outside Mackenzie district, which have until now been administered by the Department of Northern Affairs and National Resources, come within the effective administration of the territorial government; whatever government or government department controls the funds intended for the east will govern the east in fact.

There is another facet of the quinquennial agreement which may bear consideration. A five year plan for a country as difficult to govern as the Northwest Territories must respond to a fair degree of guesswork by the most able of experts. The agreement does not contain a reserve; as a consequence, toward the end of the five year period there may be no funds for unanticipated expenditures unless planned programs are delayed or dropped. We do not make a recommendation in this matter, but we suggest that consideration might be given

to the adoption of a policy whereby the federal government stands ready to provide supplementary funds in the five year period or that the program and an estimate only be negotiated for five years, and that the cost or actual budget be settled annually. It might also be salutary if the period covered by the budget were reduced.

(b) The Transfer of Administration

We recommend that the Department of Northern Affairs make an agreement with the government of the Northwest Territories for administration of Indian and Eskimo affairs by the Northwest Territories at the time when welfare administration is transferred. This arrangement has already been effected in some provinces. If such an arrangement were not operative in the Northwest Territories, the welfare interests of two large minorities of indigenous peoples, who together constitute the majority of the population, would be in the charge of a federal agency while the interests of whites and Metis would be the responsibility of the territorial government.

(c) Federal-Provincial and Inter-Provincial Conferences

We recommend that the territorial government be represented as observers, or as members, depending on the appropriateness of the occasion, at federal-provincial and inter-provincial conferences, including conferences of ministers other than first ministers.

(d) Ownership of Natural Resources

This report refers earlier to the question of transfer of sub-surface rights from the federal crown to the territorial government. In our judgment it would be premature to make the transfer at this time. We recommend, however, that surface rights to land in and adjacent to settlements be appropriated.

We also received submissions that the federal government establish a system of accounting through which revenues derived by the federal government from the Northwest Territories in excess of expenditures would be transferred to the territorial government at the time it obtained control of sub-surface rights. These submissions have been considered, but we consider that it would be premature to express an opinion on this question.

(e) Federal Power of Disallowance of Territorial Legislation

We recommend that the period within which the federal power of disallowance of territorial legislation may be exercised be reduced to one year, as is the case with the provinces.

(f) Decennial Review

We recommend that the political, economic and social development of the Northwest Territories be subject to public review not more than ten years hence, and that provision for the review be incorporated in the Northwest Territories Act.

As indicated in part G (1) of this report, we have endeavoured to make our recommendations and statements of postulates on which the recommendations are based valid for a period of ten years, a term which the Northwest Territories Council in its brief to the commission also suggested was realistic. A period shorter than ten years is probably too short in which to achieve extensive and permanent political development. Yet the potential for change in the north is so great that to attempt to prescribe the procedures for growth for a period longer than ten years may reduce the exercise to an adventure. While we believe that the recommendations we have made are valid and that many of the institutions which we recommend be created should have a useful life long after ten years' time, there are many facets of political development of the north which should be looked at closely again in the not too distant future. We do not presume to suggest now what should be the terms of reference of such a public inquiry beyond recommending that they encompass the political, economic and social development of the Northwest Territories.

6. Ancillary Recommendations

(a) Communications

The efficacy of any form of democratic government has much to do with education and with the formation of public opinion. Education and public opinion have much to do with communication, both by means of physical contact and through mass media, both publicly and privately owned. The population density of the Northwest Territories is one person per 50 square miles. There are about 60 identifiable communities ranging in size from 50 to 4,000. There are another 200 temporary or comparatively temporary camps. Communication in the north is a major challenge.

Air travel is dictated by weather, sea ice, size and condition of airstrips, and availability of aircraft. As recorded in part C, the strongest longwave broadcasting radio transmitters are 1,000 watts (Yellowknife and Inuvik). There are only four CBC programming transmitters serving the entire Northwest Territories; three are located at Inuvik, Frobisher Bay, and Yellowknife, and one outside the Territories at Churchill, Manitoba. There are three low-power repeater stations in the Mackenzie, at Fort Simpson, Hay River, and Fort Smith. Shortwave facilities for the northern service of the CBC are located at Sackville, New Brunswick. There are four privately owned newspapers, all in the Mackenzie: at Fort Smith (The Norther,

produced by mimeograph, circulation 1,200); at Hay River (Tapwe, produced by offset press, circulation 1,300); at Yellowknife (News of the North, produced by offset press, circulation 1,700); and at Inuvik (The Drum, established in 1966, produced by mimeograph, circulation 900). Ground transportation is limited by the availability of all-weather roads (none outside settlements in the east, a road as far north as Yellowknife in the west), winter roads, the railroad (none in the east, as far as Pine Point in the west) and the supply of snowmobiles, power toboggans ("ski-doo") and dog-teams. Sea, river and lake transportation is seasonal and in no case is of more than six months duration.

We expect that radio will be the best medium of communication for some time to come. We endorse the recommendation of the Fowler Committee on Broadcasting that there be an increase in expenditures for the northern service of the Canadian Broadcasting Corporation "to at least \$1.7 million as soon as possible", and we urge its implementation.

One recommendation which we received in the field of communication was that the government subsidize private newspapers in the eastern part of the Territories. On consideration, we do not recommend this move, for the following reasons:

- (1) if a subsidy were available in the east, the publishers

of newspapers in the Mackenzie would justifiably feel discriminated against and would very likely be prejudiced;

(2) mail service in the east is so sporadic that the public press is an inadequate medium of mass communication for many settlements;

(3) the reading public is not likely to have confidence in the choice of news and other information carried in a subsidized newspaper, or in its editorial comment.

We recommend that the matter of postal service to outlying communities be studied with a view to the reduction of air postage rates within the Territories other than for first class mail, and with a view to a general improvement in postal services.

The question of postal service is not simply a question for the consideration of the Postmaster General. Postal service is a sore point among many northern residents. Physical contact in communities in the north is still difficult. It is heavily dependent upon air service. This means that postal service must be largely by air. But apart from first class letter rates, air postal service is expensive; and when there is no practical alternative, the cost of air rates looms large in the eyes of the resident northerner. Furthermore, the service itself is highly occasional compared with the service in the south: regular delivery even of air mail is not

feasible to many communities in the north. The distress caused by this situation is aggravated by bureaucratic practices. Two illustrations arise from the visits of the commission to the north. When we were in Frobisher Bay in March, 1966, we endeavoured to secure mail for Grise Fiord, a settlement on the southern coast of the northernmost island in Canada. This settlement had not received mail service since the autumn of 1965. We were able to obtain mail packages for Grise Fiord that had not been committed to the receptacles of the federal post office but could not reach mail that had formally been placed in the custody of that department; we were not an authorized carrier, and it was not relevant to our invitation to be of assistance that this mail had been waiting for delivery for over six months; delivery had to await other, formal, arrangements. The second illustration also has its locale in Baffin Island. In an outpost on the Island the school teacher, an employee of the Department of Northern Affairs, had been receiving mail service from aircraft landing at the site to service operations of the Department of Transport. Official postal service was incomparably less frequent than the arrival of aircraft carrying mail for the Department of Transport. We saw a two-page wire instructing the school teacher to cease the unauthorized practice of using Department of Transport mail service.

(b) Boundaries

We recommend elsewhere that the Northwest Territories be divided into regions for purposes of economic planning and for purposes of determining the areas in which local government advisers are to operate. We recommend an increase in the number of political constituencies. Both federal and territorial government departments will continue to require geographic regions for administrative purposes. We recommend that the boundaries of both political and administrative divisions within the territories, federal and territorial, be coordinated as far as possible.

(c) Translation of Recommendations

We recommend that consideration be given to the translation of our recommendations into the various Indian and Eskimo languages.